

**Alliance of Canterbury Residents Associations
Hilltop Community Association
Thanington Without Parish Council
Wincheap Society
Wincheap Ward Councillor Charlotte MacCaul**

EVIDENCE OF CONTEMPT

Documents and emails displaying the relationship between residents of Canterbury Wincheap Ward and their representatives & Canterbury City Council, Kent County Council and Highways England re “Thanington Park” & the A2/A28 4th slip road

[Canterbury] City Council spokesman Rob Davies said: “We take our responsibilities on traffic congestion and air quality very seriously and reject outright the suggestion that the signatories to the letter have been treated with contempt. We would be very keen to hear of specific examples where they believe this to be the case.”

This coat-trailing comment was reported in KM Gazette (Canterbury edition) 1st February 2018. The letter referred to was a Notification of breach of duty of care sent to Highways England, Kent County Council and Canterbury City Council and signed by four residents’ associations and a Wincheap Ward councillor.

HE and KCC acknowledged receipt of the Notification; CCC did not. So, although we might have rested our case at that point, we decided not to.

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1. Sources and references

Not available on the web and so reproduced here in full:

Documents and email exchanges stored on computers belonging to residents of Wincheap Ward, including the parish of Thanington Without, Canterbury.

Available on the web:

1. **Planning applications**, available when “live” on Canterbury City Council’s website, the Planning pages: search by CA reference. Some older application documents are difficult to find on the CCC website and may have been removed: these may be found by searching on the web for “Cockering Road”. **NB:** Pentland Properties Ltd and Pentland Homes Ltd are “sister” companies, i.e. district legal entities each with an English registered company number. Neither is a subsidiary of the other. Contracts, including s.016 agreements, made with one company are not binding on the other.

Comments by individuals and organisations are set out under “Comments”, if entered directly to the website, or “Documents”, if send in as such. On some applications these run to scores, if not hundreds.

- 1.1 2nd November 2015 CA/14/02891, Pentland Homes Ltd, Outline application for the erection of 52 detached, semi-detached and terraced dwellings at east side of Hollow Lane, south of Hollowmede. Decision: Granted.
- 1.2 3rd July 2015 CA//15/01479 Pentland Properties Ltd’s Outline application for a comprehensive mixed use development comprising: up to 750 residential units, in a mix of sizes, types and tenure on land off Cockering Road.
- 1.3 October 2016 CA//16/00413, Pentland Homes Ltd, Reserved matters application relating to the appearance, landscaping and scale pursuant to outline planning permission CA/14/02591/OUT; outline application for the erection of 52 detached, semi-detached and terraced dwellings, car parking and landscaping, together with all associated infrastructure. Decision: Granted
- 1.4 3rd October 2017 CA//17/00519 | Outline application by Quinn Estates Ltd for a mixed use development comprising up to 400 dwellings in a mix of sizes, types and tenures Land at and adjacent to Cockering Farm, Thanington Without. Validated
- 1.5 24th November 2017 CA/17/02718, Pentland Properties Ltd, Hybrid application for mixed-use development of land bounded by Cockering Road and the A2 Dover Road. (Validated. Decision not yet available.)
- 1.6 December 1917 Pentland Properties Ltd CA//17/02911 Construction arrangements document and timetable for Thanington Park works to commence, including the contra-flow slip road. CA//17/02910 Road plan layout for phase 1 (CA/1702912 and CA//18/00011 also of interest in this context.)
- 1.7 31st January 2018 CA//18/00235 Pentland Properties Ltd, Construction of a new eastbound (coastbound) A2 off slip, associated reconfiguration of both Ten Perch Road and the Ten Perch Road/A28 junction, modified footpath/cycle routes, ground re-profiling, lighting, surface water attenuation features and landscaping.registered.

Not available on CCC’s Applications website until January 2018, when they were appended in the “Documents” section of CA//18/00235, but both were posted in 2017 by the Wincheap Society on wincheapcampaigns.wordpress.com:

- 25th April 2017 **Road Safety Audit Stage 1 A2 4th Arm Diverge Slip Road, Thanington, Canterbury**, Road Safety Answers RSA0006 for Pentland **Homes** Ltd. _On request, provided to the Wincheap Society in October, and then reviewed see 2.2.5.

- **October 2017 Thanington 4th Arm Slip Road, Walking, Cycling & Horse-Riding Assessment & Review Report.** On request, provided to the Wincheap Society in December, and then reviewed see 2.2.8

Similar reports and audits for the London-bound A2 slip road contra-flow have yet to be completed, or if completed have not been seen by Wincheap Ward residents.

2. Wincheap Ward residents' documents

- 2.1 **5th April 2016 Proposed Development at Thanington Without, Canterbury: Transport and Highways Review on behalf of Thanington Without Parish Council, Railton TPC Ltd** (available at www.thanington-pc.gov.uk/reports/railtron.pdf)
- 2.2 **Wincheap Society Reports.** Text only on www.winsoc.org.uk; text with photographs and plans on wincheapcampaings.wordpress.com:
- 2.2.1 **KCC Drawing 5269/GA01: A2/A28 Coast bound off-slip**
- Letter to KCC/CC 6 May 2017 Wincheap Society's comments and queries
 - Schedule 1, Wincheap Society's Notes and Queries
- 2.2.2 Non-motorised wheeled access to Canterbury city centre from the A28/Wincheap corridor, a Report by the Wincheap Society *June 2017*
- 2.2.3 **Access to "Thanington Park; The Decisions See-Saw,** Report by the Wincheap Society, *August 2017*
- Introduction: why we wrote this Report
 - Background: Thanington south of the A28
 - Proposed access points to Thanington Park:
 1. A2 westbound slip road vehicle access, and the revised junction at the A2 westbound slip road and A28
 2. Cockering Road "all modes" access from Strangers Lane and St Nicholas Road
 3. Pedestrian and cycle only access.
- 2.2.4 **A2/A28 Coast bound off-slip - Wincheap Scheme,**
- Comments by the Wincheap Society on three drawings of the planned A2/A28 coast bound off-slip, *August 2017*
 - Schedule 2, PBA's points, HEs Response, WInSoc's Comments, *August 2017*
- 2.2.5 London-bound A2-off slip Stage 1 Safety Audit, Comments by the Wincheap Society, *October 2017*
- 2.2.6 **Comments for Ruth Goudie and Austin Mackie, CCC,** following a meeting on *22nd November 2017* with Nick Eden-Green Wincheap Ward councillor and Gillian Bull of the Wincheap Society.
- 2.2.7 The Wincheap Society's comments on, and objections to **CA/17/02718 (Hybrid application)**
- Letter dated 30 December 2017
 - Comments for CCC Planning website
- Both documents posted on CCC's Planning website, 3 January 2017, under Documents.*
- 2.2.8 **Thanington 4th Arm Slip Road, Walking, Cycling & Horse-Riding Assessment & Review Report** October 2017, **Review** by the Wincheap Society, *January 2018*

1999

The Wincheap Society publishes **Wincheap - a vision for the new millennium**. (Available on the Home page of www.winsoc.org.) Traffic and pollution problems of Wincheap are listed, and re-routing the A28 through the Wincheap Industrial Estate is proposed as a solution - but NOT a one-way system involving Wincheap itself.

**2. The Financial Interlocking of Pentland Properties Ltd with
1. KCC's funding of the A2/A28 Coast bound off-slip, Wincheap scheme, and
2. CCC's Local Plan house-building requirement
i.e. "The Decisions See-saw"**

April 2017

4th April 2017 Kent County Council Decision No 17/00025, Matthew Balfour, the Cabinet Member for Environment & Transport -

"... is asked to give approval to take the schemes listed below through the next stages of development and delivery including authority to progress statutory approvals and consultation where appropriate, and to enter into funding and construction contracts:

c) A2/A28 Coast bound off-slip, Wincheap scheme, in drg. No. 5269/GA01"

and does so. This includes:

"4.1 The A2/A28 Coast bound off-slip scheme is a £8.8m (£4.4m LGF) project to be delivered between 2017/18 and 2020/2021. The scheme is being developed in partnership with Canterbury City Council and Highways England and is one part of the **Wincheap Capacity Improvement Masterplan**.

4.2 £4.4m Local Growth Fund has been provisionally allocated to the project, subject to the approval of a full business case by the SELEP Accountability Board.

4.3 The scheme will deliver an off-slip in the coastbound direction of the A2, creating a 'full movements' junction to improve accessibility to Canterbury City Centre, retail and residential areas. Furthermore, the project is identified by Canterbury City Council as a required scheme to facilitate commercial and residential development in South West Canterbury. The project will also reduce congestion along the Canterbury Ring Road system which is currently used to gain access to the city centre and Wincheap Park and Ride site."

June 2017

21st June 2017 Canterbury District Local Plan cleared for Adoption. The introduction of new housing sites {1150} at Thanington in Canterbury and Grasmere.

The 750 houses at PPL's "Thanington Park" were not in the 2014 draft Plan, and an affirmative Decision on CA/14/02891 had not yet been granted.

No Application had been made for Quinn Estates Ltd's proposal for 400 houses at Thanington.

July 2017

13th July 2017 Canterbury District Local Plan Adopted.

13th July 2017 CA/15/01479, Pentland Properties Ltd, "Thanington Park" a mixed use development comprising: up to 750 residential units south of Cockerling Road, Decision: Granted.

3. Pentland Homes Ltd & Canterbury City Council

November 2015

2nd November 2015 CA/14/02891, Pentland Homes Ltd, Outline application for the erection of 52 detached, semi-detached and terraced dwellings at east side of Hollow Lane, south of Hollowmede. Decision: Granted.

PPL's original design, illustrated by vernacular, pitched roofed houses.

(Pentland Homes Ltd is a sister company of Pentland Properties Ltd.)

October 2016

13th October 2016 CA//16/00413, Reserved matters application relating to the appearance, landscaping, scale and minor amendments to layout and access pursuant to outline planning permission CA/14/02591/OUT. Decision: Granted.

Residents commented adversely on, among other points, PHL's totally abandoning the original vernacular, pitched roofs designs illustrated in their first Application to CCC for flat-roofed, yellow brick, crammed in together houses, and the inability of Hollow Lane to sustain additional traffic.

This was also picked up in the local press (KM Gazette March 9th 2016, page 3) with illustrations.

CCC response to points made in Comments: None.

2017/2018

CCC enforcement of Conditions

These over-priced monstrosities are now being constructed and offered for sale.

Site access requirements for construction traffic have been flouted (with the site manager saying that he has no control over this), and flimsy site screening blown down onto the roadway of Hollow Lane. These and other defaults were reported by local residents.

CCC appears not to be carrying out checks on PHL's compliance.

4. Thanington Without Parish Council & Canterbury City Council Request for taking Application CA/15/01479 back to Committee

July 2015

Friday 3rd July 2015 CA//15/01479 Pentland Properties Ltd's Outline application for a comprehensive mixed use development comprising: up to 750 residential units, in a mix of sizes, types and tenure on land off Cockerling Road.

Thanington Without Parish Council and Roger Cheeseworth, Clerk to TWPC, provide Comments on the Application. These, and hundreds of other comments, can be viewed on [https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= CANTE_DCAPR_99141](https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=CANTE_DCAPR_99141)

March 2016

30 March 2016 Richard Buxton Environmental and Public Law writes to Canterbury City Council (Attn. Sarah Bowman) on the instructions of Thanington Without Parish Council:

"URGENT LETTER

Dear Sirs

Land off Cockerling Road, Thanington

1. We are instructed by Thanington Without Parish Council in relation to the above. We have instructed counsel Andrew Parkinson of Landmark Chambers.
2. The Parish Council strongly opposes the development on *inter alia* transport grounds and is deeply concerned that the decision to take the matter to committee was premature given the further consultation on the draft local plan that is scheduled for later in the year.
3. The Parish Council also have instructed Bruce Bamber BSc MA MSc CMILT MCHT, Director of Railton Transport Planning Consultancy, to review the transport information relied on by the planning officer when the application was reported to the committee. Mr Bamber has visited the site and discussed the matter with Kent County Highways. He has formed the view that there have been serious failures in the assessment of the traffic impacts and he has helpfully set out a summary of his views in the attached letter, pending completion of this report. In summary, his concerns are:
 - i) Inaccurate baseline for traffic growth
 - ii) Incomplete trip generation assessment as a result of excluding those associated with the primary school
 - iii) Lack of background information on traffic distribution
 - iv) Incomplete information on modelling of the A28 corridor
 - v) Inappropriate exclusion of the Wincheap Roundabout from the traffic modelling
 - vi) Significant increase in traffic along the A28 leading to possible severe adverse impacts which are under-reported
 - vii) Improper lack of a Saturday assessment when traffic movements are expected to be much higher
 - viii) Lack of design for critical mitigation measures including the proposed A2 sliproad
 - ix) Inaccurate assumptions on bus usage
 - x) Inappropriate assumptions as to deliverability of the new park and ride scheme and reliance on the P&R on the new slip road when timing as to delivery is mismatched
 - xi) Lack of alternative sustainable transport options from the development's first occupation
 - xii) Lack of a full environmental assessment of transport impacts.
4. We note that Cllr MacCaul raised the need for the Council to consider the cumulative impact of growth in this part of the District: *"We need a co-ordinated traffic management strategy, which takes all factors into account, not just a piecemeal approach."*

Prematurity

5. Cllr Nick Eden-Green specifically raised the issue of prematurity at the start of the planning meeting, according to the transcript of the meeting obtained by the Parish Council. His preliminary statements were intended to give effect to the National Planning Guidance¹ (para a) where the development proposed is so substantial (as it is here, with a proposed 750 residential mixed use development) *“that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging local plan.”* The transcript of the meeting confirms that the planning officer, Mr Campbell, intended the decision on this application to effect a decision for the local plan process:

“There are two processes that are running here. And I think its – you have the local plan process with the consultation that’s running out at the moment and we’ve got the development management process where we are considering in this application tonight. As Mr Devonald said they are separate processes, but obviously there are links between the two. So under the local plan process the inspector has asked us to look at our inability at the time of the examination to demonstrate a five-year housing land supply, to find additional site and suggested this one we have a look at. We have looked into the issue and believe that this site along with others would assist us in addressing the five-year supply issue. Effectively, the additional sites would be effectively be an amendment to the emerging policy SP3 as it currently stands.”

Heritage

6. During the officer’s presentation to the committee, he confirmed there was intervisibility between the site and Canterbury Cathedral. The report then goes on to state that the development gives rise to harm to the World Heritage Site [para 123]. Counsel’s view is that, having identified heritage harm, the officer then failed to take this harm into account when advising the committee on the balance in favour and against his recommendation to approve and that is a further legal error.

What the Council is requested to do

7. The purpose of writing now is, in light of these points, to request that the Council agrees to take the application back to the committee following receipt of Railton’s full report *after* the outcome of the local plan process is known. We note that Cllr Eden-Green further warned that a decision on the application now in advance of the conclusion of the local plan process could lead to judicial review. We trust the Council will appreciate that the prudent course of action, so as to avoid the costs of legal proceedings, is to adopt the course of action we recommend.

Yours faithfully”

April 2016

5th April 2016 The Railton Report published: **Proposed Development at Thanington Without, Canterbury: Transport and Highways Review on behalf of Thanington Without Parish Council**, Railton TPC Ltd (available on www.thanington-pc.gov.uk/reports/railtron.pdf)

This Report exposes profound errors in Peter Brett Associates’ surveys of traffic movements and densities on the A28 through Thanington and Wincheap in CA/15/01479.

July 2016

5th July 2016 CCC’s Head of Legal Service’s letter replying to Richard Buxton’s letter dated 30th March 2016 - *extracts*:

“ ... **The details of the complaint**

¹ Paragraph: 014 Reference ID: 21b-014-20140306 In what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity

Richard Buxton's letter dated 30 March 2016 requests that the Council agrees to take the planning application back to committee following receipt of a full report by Railton Transport's Planning Consultancy (instructed by the Parish Council) and after the outcome of the local plan process is known.

Response to the proposed claim

The Council does not agree to take the planning application back to the Planning Committee prior to issue of a planning permission on the basis that the outcome of the local plan process must first be known, nor on the basis of any alleged shortcomings in relation to transportation assessment matters or heritage issues.

Complaints are made on three bases:

- That there were serious failures in the assessment of the potential traffic impacts of the outline application
- That the grant of outline permission would be premature given the stage reached by the emerging Canterbury Local Plan
- [*That members failed to take into account identified heritage harm*].

Transport issues

Members took into account all relevant considerations and no irrelevant considerations relating to highways impacts of the proposal. The evidence base was comprehensive and the traffic modelling was robust. The Highway Authority are Kent County Council "KCC".

An application for judicial review based on criticisms of the planning officer's report will not normally begin to merit consideration unless the overall effect of the report significantly misleads the committee about material matters which thereafter are left uncorrected at the meeting of the Planning Committee before the relevant decision is taken (*R(Hayes) v Whychavon DC* [2014] EWHC 1987 (Admin)).

Members were not misled about the nature and extent of traffic likely to be generated by the proposal. It is noted that the author of the Railton Report dated 5 April 2016 has a number of "areas of concern" relating to the Transportation Assessment and Addendum. However, those concerns are not shared by the Highways Authority or Highways England, neither of whom had any objection to proposal considered by the Committee. Furthermore, a Highway Authority officer was present at the Committee meeting and she comprehensively explained to members why she had no concerns and reiterated why the traffic modelling was robust. Railton may take a different professional view of what assumptions the Transport Assessment should have incorporated but unless the Assessment was irrational or perverse then there is no legal basis on which to challenge the Assessment.

In relation to traffic growth on the A28 corridor, two monitoring stations are located along the corridor monitoring traffic flows, one between Strangers Lane and St Nicholas Road and other other to the east of Cow Lane. The submitted transport assessment verified that there has been no growth on the A28 corridor through Wincheap between the year 2000 and 2014, in fact the evidence presented demonstrated a downward trend which is in part likely (from 2008 onwards) to be the result of the economic downturn, moreover there was no growth on this corridor between 2000-2008 (outside of the economic downturn).

In view of the above, it was not considered reasonable to impose a 15% increase in traffic growth over the 10 year forecasting period to 2024 in line with TEMPRO growth factors, since the recovery period following the recession was likely to be incremental. In addition, it is recognised that the volume of traffic already using this route and the length of peak time queues, extending back almost to Milton Manor roundabout are in themselves a deterrent to added trips. Travel costs in both time and money changes driver behaviour and suggested that driver will not join the end of a long queue that they know to exist but will seek out alternative routes, albeit if they are marginally longer. In order to ensure that a robust assessment of the impacts on the Wincheap section of the A28 was completed an 8% increase over the ten year study period was considered a reasonable growth factor to apply, given the evidence base provided, KCC are content that the Transport Assessment has dealt appropriately with the accident reports on the A28 corridor.

In relation to vehicle trips by staff at the new primary school, it was considered that potentially many of the existing school age children currently using the A28 corridor through Wincheap from the existing Thanington area would in future use the new school within the Thanington Park development, in addition to the new residents of the development. Thus it can be assumed that staff traveling to work in the new

school would be reasonably offset by the number of trips taken off the network by existing school age children.

In respect of the distribution and assignments of vehicle trips, the VISSIM modelling has been validated and the queue lengths and journey times double checked by KCC officers repeatedly driving the route. The KCC Officer (Ms S Benge) who addressed the Committee reiterated orally that the times taken to get through A2/A28 interchange area were correct as she had driven the area 6 times in the peak hour. It was taking her the same amount of time to get through the traffic as the Transport Assessment was representing. She considered that the modelling was valid, she emphasised that sensitivity check had been run and she took members through worst case scenario.

In relations to the VISSIM modelling of the existing situation and the 'with development' scenario, and in particularly in relation to the Wincheap roundabout, the Local Medal Validation Report was accepted by Amey (KCC Transport Consultants) and was considered fit for purpose. Canterbury members were given a full briefing of the modelling outputs and a summary report was presented to the Committee which included VISSIM microsimulation outputs. The developers pointed out that the Junctions8 software was unable to replicate the constraint on the Wincheap roundabout. However, KCC were aware of the existing traffic issues experienced at the Wincheap Roundabout, as such the benefit of reflecting this congestion through additional transport modelling work, would not have a bearing on the mitigation strategy that was finally agreed (including to Park & Ride and bus access to the city centre), which is consistent with the emerging transport strategy for the city. KCC have a separate commission in place with their term consultants Amey to seek to manage traffic flow along the Canterbury inner ring road (Rheims Way/Pin Hill/Rhodaus Town/ Upper Bridge Street/Lower Bridge Street) which seeks to reduce congestion by introducing mitigation measures at the junctions along the route.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residential cumulative impacts of development are severe. It was the professional opinion of KCC (and supported by Highways England) that the development was sited in a sustainable location promoting travel choices and advocating modal shift and the residual cumulative impacts were not considered severe when taking account of the mitigation package and the marginal increases in journey time delay. The modelling was considered robust since it did not deduct any allowance for users of the new bus service being provided. It put all of the traffic from the new off slip onto the A28 corridor although mcc of this traffic will go directly to Park and Ride and also into the Wincheap commercial and residential areas.

The emerging transport strategy for the City also seeks to provide modal choice for city bound traffic, rather than introducing large amounts of additional highway capacity, which in turn would encourage more traffic into the city centre than necessary.

In respect of Saturday flows, it was recognised that midday Saturday peaks exceeded typical weekday flows but did not exceed weekday peak period flows. The Saturday patterns of travel are different but the overall impact will be no worse than those measured on the weekday peaks. Moreover, the impacts from the proposed uses within the development will not be concentrated around Saturday peak hours, particularly given the close proximity of the retail park to the application site. The introduction of the new slip road and the Park and Ride extension will be independently modelled when detailed plans are submitted and additional adjustments will be made to the network as required. The information submitted with the Thanington Park application was sufficient to determine the application based on weekdays peak flows.

In relation to likely bus patronage and revenues, the assumptions were determined by Stagecoach, being the bus operator for the area, based on existing patronage figures and uplift experienced from similar developments increasing frequency of services. Stagecoach are confident that the service will be commercially viable once initial developer contributions cease.

As to the timing of proposed mitigation measures, KCC have to be reasonable when timing developer contributions and as much as it would be of benefit to have all contributions up front and prior to first occupation it is rarely viable for the developer to do so. The timing of contributions has been assessed in accordance with likely trip impacts. KCC are satisfied that the new slip road is feasible and deliverable. KCC note that Railton think that the improvements to the A2 underpass will come too late but do not care that concern.

The bus contribution has been discussed with Stagecoach. There would need to be at least 100 occupations to warrant the bus entering the new road layout. Earlier provision would increase journey time to existing users of an existing service unnecessarily or would be running a new service without adequate patronage to be seen to be successful and encourage new users. 100 occupations is relatively standard across large development proposals and has been a successful trigger in the past to securing a commercially viable bus service at the end of the contribution period.

As to environmental assessment, the potential likely significant environmental effects from traffic have been dealt with in the Environmental Statement. It is those effects which the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 regulations 2(1) and schedule 4 require to be assessed as part of the environmental information and so the approach taken is entirely lawful.

Overall there is no merit in your complaints relating to transportation issues.

Prematurity issue

As your letter correctly states, as part of the discussion of the application at Committee Councillor Eden-Green aired his view that the application would undermine the plan-making process, The Committee were also addressed orally by a number of objectors and Mr Smith made the similar prematurity points. Members therefore had that factor firmly in mind when considering the application. There can be no possible doubt that they knew that a decision on the application would influence the local plan process, They were told by Mr Devonald, the Principal Planning Solicitor, of the strong linkage between the two and the one process have an influence on the other.

However, even though members took this into account they were not moved to refuse planning permission on that basis. NPPG makes it clear that prematurity arguments are only likely to succeed where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of granting permission taking the policies of the NPPF and any other material considerations into account (paragraph:014 Reference ID: 21b-014-20140306).

It is notable that, other than in relation to heritage issues, your letter does not criticise the Officer Report. Indeed the Officer Report sets out a strikingly comprehensive assessment of the issues and concludes that

“no impacts have been identified at this stage that suggests that the scheme would have any significantly harmful impacts on any of the issues identified in this report.”

On the contrary the scheme would bring forward a number of significant benefits which were identified in the Officer Report, and so applying the PPG on prematurity, there was no basis whatsoever for concluding that “the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of granting permission taking the policies of the NPPF and any other material conservation into account.”

Reports are addressed to members who have “substantial local and background knowledge” (per sultan J in *R v Mendip District Council ex p Fabre* [2000] 80 P&CR 500).

In this case that knowledge included the fact that the Local Plan Inspector had suspended the Local Plan examination to allow the Council to find more housing sites (and they were reminded of that by Mr Campbell (Deputy Team Leader, Development Management) verbally at the meeting as your letter correctly records). They were well aware that the inspector had suggested that sites be “brought forward quickly to contribute to the 5 year land supply.” They were also well aware, because Mr Campbell’s report told them expressly, that because of advice in the NPPF, adopted housing policies could only attract limited weight until a 5 year housing land supply could be demonstrated. They clearly understood that the site along with a number of others would deliver the 5 year supply. That was clearly one advantage of the scheme. Furthermore, Mr Campbell also told them that the objective of the NPPF was to boost significantly the supply of housing and that this site would positively contribute to meeting the housing needs of the District. Those two factors were plainly also benefits of the scheme to which members gave weight,

In the light of the advice in PPG, the benefits of a mixed development at this sustainable site were overwhelming notwithstanding that a decision to grant would influence the local plan process. That balance was exclusively a matter for members and they were free to attach what weight they saw fit to those factors

or alternatively no weight at all. The Court will not re-run the planning merits or the balancing exercise (*Newsmith Stainless v Secretary of State for Environment* [2001] EWHC Admin 74 and *Hayes* as above).

This potential ground of chilling has no merit.

[[Heritage Issue](#)]

We consider the planning application to have been dealt with in an exemplary fashion. We urge you to listen to the audio recoding of the Committee meeting and to have full regard to the comprehensive report. The Council will not agree to suspend the application process.”

29th July 2016 Bruce Bamber’s (Railton TPS Ltd) letter to Richard Buxton, who forwarded a copy of it to CCC on 19th August 2017:

**Ref. Planning Application CA/15/01479: Thanington Park Canterbury
Judicial Review Assessment: Transport Matters**

I refer to your email of 21 July 2016 requesting advice on the potential grounds for a claim for Judicial Review of the decision made at the Planning Committee on 05 January 2016 in relation to the above planning application.

I have read the letter from Canterbury City Council (CCC) to Richard Buxton dated 5 July 2016. This identifies what constitutes grounds for applying for Judicial Review but in relation to transport issues fails to present a coherent argument. The section on transport generally reads as a post justification for the weaknesses in the case for development. New evidence is cited in the letter that was not put before the committee. This includes comments about traffic generated by the school, reference to the Environmental Statement, further statements about bus services including reference to the views of Stagecoach and the relevance of the 100 dwelling trigger for bus services. The letter presents incorrect information about data on traffic growth since it states that growth was assessed up to 2014 whereas 2014 data were not assessed (see below). The letter urges you to listen to the audio recording yet many statements in the letter do not accord with the evidence that is publicly and freely available in that recording. For example, the letter states that the Highways Authority representative gave a ‘full briefing of the model outputs’. This is patently not the case (see below).

I do not believe the content of the letter merits the overall conclusion of there being no merit in your complaints.

Leaving aside the inaccuracies, inconsistencies and irrelevancies in the letter I have undertaken my own assessment of whether there are grounds for Judicial Review.

My opinion is limited to the transport and highways aspects of the application.

I have based my opinion on an assessment of whether the committee was misled by the information that was presented in the committee report and at the committee and whether the decision arrived at was perverse or irrational based on the information that was in the committee report, based during the committee meeting and generally available to members.

I have previously pointed out a number of my conclusions about the deficiencies in the transport and highways supporting information associated with the application, but my advice in relation to the prospects of Judicial Review is not based in the concerns except where the conclusions presented to the committee are not rationally supposed by the information that was available.

I deal with the key issues below.

Access to be dealt with in detail: I note that the application is outline with all matters reserved except for access. This is clearly stated at the top of the committee report, in paragraph 10 of the committee report and the planning officer repeats this during the presentation to the committee (minute 15 of audio recording). At several points during the committee meeting concerns are raised about the lack of detail on access issues and lack of plans either attached to the committee report or presented to the committee during the presentation. There is particular concern of the lack of any details about the proposed

connection between the A2 London bound off-slip and the A28. In response to those concerns the Chair states at minute 131 of the audio recording that *all* matters are reserved and details of highways matters will be agreed subsequently with the Highway Authority. The Chair seeks confirmation for this statement from the representative from the Highway Authority who is present at the meeting. It is apparent from the audio recording that the representative of the Highway Authority provides this confirmation.

The main access to the proposed development is via a roundabout on the A2 London bound off-slip and the signalised London bound off-slip/A28 junction. The London bound off-slip and the off-slip junction are subject to significant alteration to provide access to the proposed development. The off-slip is proposed to become 2-way between the A28 and the site access roundabout. No details of these alterations are provided in the supporting Transport Assessment and Transport Assessment Addendum or in the Committee Report and no details are presented by the Highway Authority representative at the Committee Meeting despite direct appeals at the Committee Meeting for this information to be provided.

On the basis of the above it appears that the Committee was not in a position to determine the application since no detail was provided on the main access to the site and there was therefore no certainty that a safe and acceptable arrangement could be delivered. The Committee also appears to have been misled by the Chair and the Highway Authority representative when it was stated that all matters were reserved, including access. This statement served to silence genuine concerns that were being expressed at the meeting that there has been insufficient information provided to demonstrate that the proposed access arrangements were acceptable.

Traffic Growth: The Highway Authority representative states at minute 38 of the audio recording that there has been no growth on the A28 corridor since 2000. The Transport Addendum states that 'flows have remained relatively constant during the [2000-2013] period' (para.4.4.2). The data show that west of the A2 traffic levels fell by around 15% over this period. The information about traffic growth was therefore misleading as the committee was unable to judge the degree to which change in traffic flow has been related to development and the degree to which it has been affected by the general recession. At the time the Transport Addendum was published traffic data were available for 2014. The data show that east and west of the A2, traffic grew by 3% and 2% respectively between 2013 and 2014. The information, although of critical importance in understanding the likely traffic growth trend on the A28 corridor, was not reported to the committee in the supporting transport information, in the committee report or verbally at the committee.

Results of Traffic Modelling: Summary results of the VISSIM modelling are reported in the Transport Assessment Addendum. They are not set out in the committee report and the committee report makes no reference to the VISSIM modelling despite this being the key evidence underlying the Highway Authority's position on the Application.

The Highway Authority representative presents two modelling scenarios to the committee. The first is the existing situation and the second is the future year situation, assuming 8% background traffic growth with all development and mitigation measures in place. The extent of the commentary provided on the traffic conditions in the future year scenario comprises, '*the traffic does continue to move*' (minute 43 of audio recording). The Highway Authority representative acknowledges that it is difficult for those looking at the presentation to identify those vehicles that are associated with the proposed development. The presentation is brief and cursory and provides not detail of the assumptions underlying the model.

The information set out in the Transport Assessment Addendum shows that journey times into Canterbury in the AM peak hour will increase from a current maximum of 14min 46sec to 19min 44 seconds in 2024 without development and 27min 57sec with development. These very significant increases in journey times are not presented to the committee either in the committee report or by the Highway Authority representatives. The lack of information on changes in journey times means that the committee was not in receipt of the key information required for them to judge the acceptability of highways impact of the scheme.

The committee report states at paragraph 137 that '*It is acknowledged that the proposal would increase traffic movements in the area and if no mitigation was provided would give rise to an unacceptable impact in the immediate area, in Wincheap and on the ring road*'. The results of the traffic modelling reported in the Transport Assessment Addendum show *no difference* in journey times resulting from the implementation of the proposed mitigation measures. The fact was not reported to the committee so the committee was under

the false impression that the proposed mitigation would change an unacceptable impact into an acceptable impact. The committee was therefore misled in this respect.

School Trip Generation: The Highway Authority representative was asked by a member whether an allowance had been made for the trips associated with the primary school. The Highway Authority representative stated (103rd minute of audio recording) that a worst case assessment had been undertaken and a proportion of the school related traffic has been added to the overall trip generation. This is incorrect. Paragraph 11/3/7 of the Transport Assessment states, *'In the case of the primary school that is proposed on the site this has not been taken explicit account of within the traffic generation calculations'*.

Flows on Stranger's Lane: The Highway Authority representative, in response to a question about the route of traffic in and out of the proposed development stated that the development would add 14 trips to Stranger's Lane in the peak hour and added that this number 'was insignificant' (93rd minute of audio recording). The Transport Assessment Addendum shows that between 29 and 36 additional trips are added to Stranger's Lane in the peak hours. The committee was misled by this erroneous information.

Sustainability of Site: The Canterbury City Council Senior Transportation Engineer states in paragraph 55 of the committee report that, *'Although the site is walkable from the city centre the route requires numerous pedestrian crossings at controlled locations which will not encourage walking'*. The is view is odds with the Highway Authority whose view is that, *'it should be recognised that the proposed development at Thanington will, in itself, be unlikely to generate any significant increase in vehicle trips through the Wincheap corridor to and from the City Centre due to the sustainable nature of its location'* (para. 74). Whereas the City Council's Engineer provides a reasonable and balanced assessment of the walking routes between the site and the city centre the Highway Authority presents an unsubstantiated and misleading view that underplays the amount of traffic associated with the proposed development. The Highway Authority does not present any figures to support the statement. It could be argued that the Highway Authority, in adopting this position is misleading the committee by exaggerating the sustainability credentials of the site and drawing a veil over the numbers of vehicle movements that are predicted on sensitive parts of the highway network.

Transport Environmental Impact: The committee is presented with no information relating [to] the transport environmental impact of the proposed development. The potential transport environmental impacts of the development have not been assessed in an objective and systematic manner. The transport section of the Environmental Statement (Appendix 2.5) is a cursory summary of the Transport Assessment and does not meet the standard requirements for transport environmental assessment. The absence of any information, available to committee members on potential transport environmental impacts, particularly given the sensitive nature of the Wincheap corridor, leads to the conclusion that the decision made by the committee could not be based on a rational assessment of all relevant facts.

Prematurity: It is assumed that the proposed development is dependent on the delivery of the coast-bound off-slip (although the modelling results show no mitigation resulting from this infrastructure). The committee was presented with no information that provided any confidence that this infrastructure can be delivered. The complexity of the off-slip scheme, being intimately related to the expansion of the park and ride and the reconfiguration of routes through the Wincheap estate raises serious questions about whether any scheme that is dependent on this infrastructure can be approved until the deliverability of the infrastructure is established. Further, although a cap of 450 dwellings is proposed in the event of the scheme not being opened, no assessment has been undertaken of the impact of the proposed development in the possible future scenario where the off-slip is not available. The committee was nor therefore able to judge whether the proposed development could be delivered in such way that it would not lead to unacceptable impacts during the phasing of construction. A number of questions relating to phasing were raised during the committee but no evidence was presented to provide a rational basis for determining the acceptability of the anticipated phasing.

Conclusion: Overall I am of the opinion that the committee were unable to reach a rational conclusion on highways and transport matters since the information presented on traffic modelling was selective, extremely limited and lacking technical rigour, insufficient information was available to allow the proposed access arrangements to be judged acceptable or not and no information was presented on transport environmental matters. Future, the committee was misled on a number of factual matters including the assumptions about the trip generation of the school and the numbers of additional vehicle movements on Stranger's Lane. The committee was also subject to statements about the site's sustainability, made by the

Highway Authority that were unsubstantiated and lacking balance that are likely to have unduly influenced the committee in favour of the development.

In transport terms there therefore appear some grounds to apply for Judicial Review. Whether these points constitute sufficient grounds for allocation is a point that will need to be considered from a legal perspective, as will the implications for any issues relating to other aspects of the proposed development, I would be very happy to discuss the transport points in more detail if it would be of assistance.”

5. Thanington Without Parish Council & Canterbury City Council: Convening a meeting - and the outcome

August 2016

19th August 2016 Richard Buxton posts and emails a letter to CCC (Attn. Sarah Bowman):

“WITHOUT PREJUDICE

Dear Sirs, Land off Cockering Road, Thanington

After careful consideration of your letter of 5th July and discussion with counsel and our client's transport consultant, Mr Bruce Bamber, we are writing to advise you that our clients would like to arrange a meeting with Kent County Council Highways, with Mr Bamber in attendance, to deal with the very serious issues that are associated with the transport impacts the development. We have instructions that if the Council and County Council will agree to this meeting they will agree not to lodge JR proceedings against the Council's decision to grant planning permission for the application at Land off Cockering Road, Thanington (ref: CA/15/01479).

The principal transport concerns identified by Mr Bamber in his review of the application were set out in his letter dated 29th March, and sent to the Council with our letter of 30 March. Mr Bamber has now considered the Council's 5 July letter response (see enclosed letter from Mr Bamber dated 29 July 2016). The main points of concern continue to be:

- Access:
- Results of traffic modelling:
- Flows on Stranger's Lane; and
- Sustainability of the site in terms of non-car modes of transport.

We look forward to your response to this proposal by no later than 4 pm 22nd August 2016.”

19th August 2016 Cath Wallen, Senior Solicitor, CCC, emails Richard Buxton's firm: KCC will attend

“Dear Ms Norman, KCC will be more than happy to attend a meeting regarding this matter. The relevant officer will be away on leave and therefore the earliest she can attend a meeting will be the 7 September and I will be happy to liaise in finding a suitably convenient date.”

September 2016

27th September 2016 Richard Buxton's office emails Cath Wallen CCC:

“Apologies for the delay in getting back to you. Our clients and their transport consultant would be available for a meeting on the following dates: 15 October or 11, 18 or 25 November. They have advised us that a morning meeting would be preferable.”

October 2016

17th October 2016 Richard Buxton's office emails Cath Wallen CCC:

“Further to my email below, I would be grateful if you could get back to me with some possible dates for a meeting. Our clients are anxious to get a date in the diary.”

28th October 2016 Cath Wallen CCC emails Richard Buxton's office:

“I understand the afternoon of the 25th is the only available time of those dates. This would be for the attendance of KCC Highways Transport and Development Planning Manager and the Principal Planner for the District. This would mean you could also discuss the ongoing modelling work to support the second part of the Thanington development.”

Please confirm if a 2pm start would be acceptable. Failing that please supply further dates your clients would find acceptable, Please confirm the purpose of the meeting and who is anticipated to be in attendance.”

November 2016

9th November 2016 Dave Smith TWPC emails Cath Wallen CCC:

“Re the meeting below. Could you please confirm that this is scheduled and the venue for us please? All the above have confirmed to Hannah Norman 1400 hrs 25th Nov is acceptable, we just await confirmation and venue to be communicated. Thank you.”

1st November 2016 Cath Wallen CCC emails Dave Smith TWPC:

“The meeting date and time has been confirmed with KCC Highwayds as requested. I am waiting on KCC to Confirm if there is an available meeting room at KCC you can use.”

NOTES ON MEETING HELD AT THANINGTON LOCAL RESOURCE CENTRE

25TH Nov 2016

SUBJECT : THANINGTON PARK DEVELOPMENT TRAFFIC STRATEGY

Introductions:

Meeting Commenced at 1400hrs . Graham Page as Chair, Dave Smith note taking.

Attendees: Dave Smith (DS) (HIMN TWPC), Martin Hart (MH) (PENTLAND HOMES), Sally Benge (SB) (KCC), Matthew Hogben (MH) (KCC), John Osbourne (JO) (WINCHEAP SOC.), Simon Hewson (SH) (HIMN), Nick Eden-Green (NEG) (Ward Councillor CCC), Graham Page (GP) (TWPC), Bruce Bamber (BB) (Railton TPC), Charlotte Macaul (SM) (WARD Councillor CCC).

Apologies: Paula Spencer (TRC) Roger Cheeseworth (TWPC)

1/ Bruce Bamber contacted NEG and advised running late due to traffic, arrived 1430hrs and introduced to all attendees.

2/ Published agenda for the meeting and all agreed this was OK.

3/ The notes below are intended as a record of comments made at the meeting to the agenda points but the agenda was followed as rigorous progressive list as the meeting was also intended to be a discussion.

4/ (SB) Stated that KCC had not going to go over old information as these were considered validated and set. It was pointed out by NEG that the issues tabled on the agenda were related to previous work as far as the discussion was concerned, and local, opinion there were significant issues and lack of detail in the information currently available. NEG questioned the e mail sent on behalf of Matthew Balfour and was advised by SB that the replies he had received were drafted by her, to which NEG expressed no knowledge of that as he had assumed he was corresponding with Balfour.

5/ When requested to show and discuss the details and plans available for the Wincheap Relief Road, 4th Slip road, West Bound London direction slip road modifications and the Ten Perch Road modifications by NEG SB stated they were not available and that the traffic modelling had been validated .

6/ SB stated that CCC were responsible for the relief road planning and delivery and should be contacted re that particular option. As far as attendees were concerned no details were available on this work. DS questioned the validity of the statement that the Simmonds Road A28 junction was workable for long vehicles turning right without impacting on the main A28 ? Even the simplest of checks and basic dimension checking showed this to be a wrong statement SB said this related to the new layout, not the current one. DS asked were are the details for this to show the validity of that statement? SB stated they were not available and that CCC should be contacted re this?

7/ DS stated the reason these details need to be discussed was that people need to be convinced of the workability of the proposals, and also that there was still a high degree of concern regarding the soundness of the data on which the modelling and conclusions would be based. Particularly regarding the impact of the development would have on traffic flows on the A28. There were various reports that called into question the soundness of the data and also the importance of details of the proposals and their robustness.

8/ NEG stated that there was a real need to have an overall assessment of the cumulative affects of ALL the developments being proposed , not just assessing each one's affects on an independent basis. He felt, as did others, that this was the only way that an accurate assessment and requirements could be gained.

9/ SB stated that in her opinion this had been validated, though various attendees.

10/ NEG stated that as there was a 400 home development pending it was important that these issues were resolved accurately to allow proper consideration of the affect of this application on the traffic situation in conjunction with the Thanington Park proposal. They have a great interaction on each other when it applies to traffic impact and it is imperative that the issues with Thanington Park are resolved and detailed for this reason.

11/ In response to the priority order for the traffic system upgrade the attendees were in agreement that it should be; Wincheap Roundabout, then Wincheap Relief road, then the Ten Perch Road P&R modification and finally the 4th Slip Road modification. The concern being for all than unless the log jam in Wincheap is dealt with, particularly the roundabout and railway bridge area , the proposals for the 4th Slip Road, A2 slip modification, modifications to the A2/A28 junction traffic light arrangement, the proposed right turns into St Nicholas Road and Strangers Lane will have a severe affect on the traffic movement in the A28 corridor from the Milton Roundabout through to the Wincheap Roundabout, and also the ring road and potentially the major traffic situation in Canterbury. DS pointed out that the predicted travel times were expected to rise from 14 mins to 29 mins, which should be considered a significant, and this was without the consideration of factors that have not been included in the traffic assessment.

12/ The prediction of traffic growth from 2000 is questionable and BB raised questions on the interpretation and projection of the available figures and how they had been interpreted in the traffic survey.

13/ The sustainability of the proposed STAGECOACH bus survey as CM pointed out the availability or total lack of service at some times mean't its reliability and use as a means of viable transport. There was concern that after the supported period had run out then this would be withdrawn. BB pointed out that there was discrepancy in the report figure of 9% take up and the actual use figure of 4%, at which point STAGECOACH would find it difficult to sustain a viable service. MH & SB pointed out that there are various options for STAGECAOCH to consider, but no details on the option could be provided or any detail.

14/ SB stated that she believed CCC had commissioned PETER BRETTS associates to look into options for the ring road. NEG pointed out that in the local press developers were publishing options, i.e. the traffic lights system for the WINCHEAP ROUNDABOUT , and was this an official CCC option as they really had no power to assign this?

15/ As regards timing for the 4th slip road MH stated he hoped this to be operational and built with 2 years..

16/ MH stated that it would take approx 1 year to detail up how the junction modifications would look. Concern was expressed that this has been going on for a long time, the a750 housing application was passed in Jan 2015 and we still appear to be no nearer details as to how this all will work. This seems completely unsatisfactory and as no funding is identified for the work on any of this very concerning as to how it will be delivered.

17/ BB asked re the modelling of the modified west bound to A28 junction. He explained that the figures collated showed this junction off the A2 was already operating at full capacity in its current form. Any modifications needed to evaluate their effect on the junction operation. SB responded by informing the meeting that she was not sure if this modelling had been carried out. BB responded that this was of major importance as it had a significant effect on how the overall system would work, and also the impression the planning committee would have had on the robustness of the traffic survey work.

18/ There was concern that it appears there is a significant lack of coordination between CCC & KCC regarding the overall concept, strategy and responsibility for the planning and development of this work. SB advised that Andy Westwood was looking at the Ring Road planning and future development of that for CCC but no details were available.

19/ JO questioned if the sustainability of the underpass was to be carried out.

20/ MH explained that the phasing build planning would be discussed at the workshop meetings to be held at The Howfield Manor on 30th Nov.

21/ DS asked was it confirmed that Strangers Lane & St Nicholas Road would NOT be used for construction traffic. MH said their plan was to use one road for feed direction and one road for outfeed from the site. This was contrary to what Mark Quinn had said at the TRC meeting when he clearly stated NO construction traffic would use either and that ALL traffic would access the site via the pre constructed new West Bound A2 slip road..

22/ SB stated that Peter Brett associates would need to consult KCC highways and Highways England re the work they were thought to be doing for CCC. WSP who were carrying out work on the New Slip road was being done under CCC control.

23/ Concern was expressed, if as advised by KCC, that CCC were carrying out work as indicated then there should have been a CCC presence, and they had not chosen to send a representative. Also that the AGENDA for the meeting had clearly laid out quite defined topics and persons attending should have been prepared and able to discuss these. SB stated that she had not seen the AGENDA (SEE POINT 2?) Though DS had quite clearly asked CCC that the agenda be circulated prior to the meeting to enable persons to assemble information, allowing useful discussion/

24/ KCC representatives left the meeting as arranged at 1540hrs. All parties were thanked by GP for attending and their time. All other representatives adjourned to another room to discuss the outcome of the meeting.

29th November 2016 Dave Smith TWPC emails Cath Wallen CCC:

"Dear Cath Wallen,

Please find attached notes form the **meeting re Thanington Park on Fri. 25th Nov at TRC.**

After the meeting officially ended with the departure of the KCC representatives the other attendees held a review session re the outcome and success of the meeting. I have been asked on their joint behalf to convey the outcome of this to you:

1 There was a general feeling of deep disappointment, almost anger, that there seemed to be a total lack of detail or coordination between CCC & KCC on the handling of the highways issue on this topic. On almost all aspects and questions no details could be given. Here we are in truth 1 year down the line from the approval of the planning application and the points that were raised prior this approval in some volume, have not been resolved, or even available for discussion. Indeed it might be said that not only does the left hand not appear to know what the right hand is doing, they don't appear to know the other exists.

2 The meeting was requested by TWPC in an genuine effort to try and resolve the threat of a legal challenge to this application. This was the arrangement set up with Richard Buxton Assoc. and yourself. You agreed to organise this, and advised KCC would be happy to attend such a meeting in your e mail of 19th August.

3 At the meeting on Friday, it soon became clear that Sally Bengé, did want to discuss any previous issues, though some were quite clearly identified in the agenda, and repeatedly stated that some of the most relevant points were apparently being handled by CCC, and she had no details of them. If that was the case then CCC should have provided a representative to clarify these points. That was not done and we would like to know why? It was totally remiss of them not to do this.

4 We had also agreed with our consultant Bruce Bamber that it would not be pro active to just run through all the old points but deal with the ones we had highlighted on the Agenda. Consequently he made a special visit to attend which we agreed to fund.

5 The published agenda was quite clear in content , and we requested that this be forwarded to KCC in my e mail dated 14th Nov. Bear in mind we had no contact information who would be attending. It was rather puzzling to say the least when Sally Benge stated she had not seen the agenda???

6 From the meeting it became very disturbing clear that there appears to be a significant lack of coordination between CCC & KCC in what is going on regarding this development and the general transport strategy in Canterbury. KCC seemed totally unaware of what the details were for this, and unaware of what CCC progress/ details were to date on the various aspects. As I explained to you our priority in this matter is to assist in ensuring that Canterbury gets a good job out of this development. Whatever our views on the passing of the application in Jan 2015 and the way it was carried out, and there is still a strong view that this was carried out in totally the wrong manner, this was done and it is important for all that a success is made of it. PENTLAND HOMES I am sure also want it to be a success, and are all to aware that if the traffic situation is not handled correctly it will be viewed as a failure which will also reflect on them. People's memories are long, and the West Gate Towers traffic scheme was not the best advert for the city population in how to handle a major traffic infrastructure change. So you can see why interest may be high for this, and the general development plans and traffic infrastructure proposals for the city.

There seems to be a total lack of wishing to engage with local concerns, or even a depth of understanding of these concerns. I should also point out that I have had exactly the same general feedback from discussions on the Mountfield Park application re this subject. Which makes it even more worrying.

On a personal level, of 43 years in Engineering, as a Chartered Engineer, and working on major engineering project management and engineering plant management and development, I cannot recall a situation as so dysfunctional or poorly coordinated as this seems to be, and am genuinely shocked that this is how our local authorities seem to perform.

Please feel free to pass these comments on and would you please forward the notes on to Sally Benge & Matthew Hogben.”

December 2016

14th December 2016 Roger Cheeseworth TWPC writes and emails Cath Wallen CCC

“Dear Cath Wallen,

You received via email on 29th Nov, a copy of the notes taken at the above meeting, and a covering e mail regarding comments from the attendees which was sent by Dave Smith at the joint request of all the attendees and on their behalf. It expressed concern at the content and structure of the meeting. To date there has been no response to that e mail.

You were in receipt of a letter from our legal representatives, RICHARD BUXTON, dated 19th August which stated that if the City Council and County Council agreed to a meeting regarding the serious issues with transport impacts, TWPC would agree not to lodge JR proceedings against the COuncil’s deacons to grant planning permission for the application at Land off Cockerling Road Thanington)Ref:CA/15/01479).

This meeting took place on 25th November at Thanington Neighbourhood Resource centre (TRC). A clear agenda was circulated to al parties and you were asked to forward that to the relevant council attendees prior to the meeting to allow them to assemble relevant information re the agenda points.

To sum up, it soon became clear that the KCC attendees were totally unable to answer any questions on the point under discussion and basically said that these were being handled by Canterbury City Council, that they had no knowledge of any details. Yet in an article in the KENTISH GAZETTE dated 1st November a council spokeswoman claimed that CCC and KCC were working on the issues together. There seems to be at best some confusion here?

It is felt that CCC has not met the terms of the agreement reached with RICHARD BUXTON, which caused people to attend a meeting that served no useful purpose and incurred costs, time and effort to do so. We are therefore requesting attendees that CCC organise a meeting where the topics can be discussed in detail with relevant and informed attendees on those points, who've that may be.

I would be grateful if you could advise me on the above at your earliest convenience, and understand the issue.”

23rd December 2016 Cath Wallen CCC emails Roger Cheeseworth TWPC:

“Dear Roger, Thank you for your letter of 14th December.

In the letter from Richard Buxton of 19th August a request was made for a meeting to be arranged between their clients and a representative from KCC Highways to discuss access, traffic modelling and flows and sustainability issues.

Are you aware that KCC Highways agreed to Richard Buxton’s request for a meeting to discuss these issues?

Prior to the meeting a final copy of the agenda was sent to me by Mr Smith on the 21 November 2016 and this was forwarded to KCC the same day.

You would need to contact KCC if you consider that there [] outstanding matters about which you require further clarification.”

6. The Wincheap Society, Cllr Nick Eden-Green & the Independent Planning Inspector

November 2014

Canterbury City Council's draft Local Plan submitted to the independent planning inspector.

December 2016

6th December 2016 The Wincheap Society: Comments on the implications for the Canterbury District Local Plan of the High Court decision in ClientEarth (No.2) v Secretary of State for the Environment, Food and Rural Affairs [2016] EWHC 2740 (Admin)

"We wholeheartedly endorse Prof. Stephen Peckham's Further observations on air quality related to the Canterbury District Local Plan resulting from the recent judgement by the High Court in ClientEarth (No.2) v Secretary of State for the Environment, Food and Rural Affairs [2016] EWHC 2740 (Admin). He notes that current emissions modelling underestimates actual future emissions and that "in particular, air quality in Wincheap and along sections of the A2050 and A28 breach limits set by the Air Quality Directive 2008/50/EC. These lie within the current AQMA, which covers these roads within the city." (13.)

Canterbury City Council's Draft Local Plan lacks any substantive plans for the alleviation of air pollution in the city. We therefore appeal to the Inspector to require the Council to carry out a full Health Impact Assessment of the Draft Local Plan and establish a clear Air Quality Action Plan, demonstrating how air pollution will be reduced and maintained within the limits set by the Air Quality Directive 2008/50/EC."

16th December 2016 Cllr Nick Eden-Green writes to the Planning Inspector re Government Air Quality Plan Consultation Re Canterbury and District Local Plan:

"Dear Sir, I refer to the submission made by Professor Stephen Peckham "Further observations on air quality following the High Court judgement 2nd November 2016".

Professor Peckham refers to, and concentrates on, the development of the main South Canterbury and Wincheap sites respectively for 4,000 and 1,150 dwellings. I will not repeat his arguments or his conclusions other than to say that I agree with him.

However, he does not give emphasis to the other developments proposed in southern Canterbury, nor their likely cumulative impact. I would draw your attention to the 2,000 dwellings proposed in Sturry/Hersden, 1,000 dwellings on the Littlebourne Road (Howe Barracks, St. Martin's Hospital, Polo Farm etc.), the further 1,000 dwellings at various sites in south Canterbury (Chaucer School, Ridlands Farm, Telephone House etc.), 1,000 dwellings in Wincheap (Wincheap Industrial Estate, land behind Wincheap School).

In round figures some 5,000 further dwellings in addition to the 5,150 dwellings considered by Professor Peckham which will add, in some degree, to the congestion and subsequent pollution on the ring road and main feeder roads into and out of Canterbury. 10,000 new dwellings in the southern Canterbury quadrant. This needs to be considered against the current number of dwellings in Wincheap, 3793, Barton, 4893, Northgate, 3115 and Sturry, 3297, wards. A total of 15,098. This means increasing the number of dwellings on the southern side of the city by around 50%.

The cumulative impact of congestion has not been effectively measured either by KCC or by the developers. Residents have obtained two professional traffic assessments on the south Canterbury site and the Cocking Farm site from Railton. Both reports raise serious discrepancies when compared with the reports produced by the developer's traffic consultants. In particular traffic increases have been under-estimated and modal shift to walking/cycling over-estimated. You will doubtless take a view on the validity of the different reports but it is unsurprising that a traffic consultant paid by a developer will produce a report favourable to that developer. I would submit that any traffic impact assessments produced by a developer should be considered most critically. However it is the unmeasured cumulative impact of doubling the number of dwellings on the southern side of the city which merits your consideration.

It is unarguable that these various developments will have some cumulative impact on pollution levels identified by Professor Peckham.

At its simplest, if residents wish to drive from Hersden to Ashford or Thanington to Thanet they will pass along the ring road. If residents wish to travel from Littlebourne Road or south Canterbury to the city centre or Ashford or Thanet they will generally pass along the ring road or the feeder roads. Increases to journey

times on the New Dover Road are noted and not contested by the developer's traffic consultants. A doubling of journey times in Wincheap rush hour is identified. These are merely examples which must add to pollution.

At the time of writing KCC have not completed their study of possible improvements to the ring road. Any conclusion they may reach is in any event uncoded and thus may be unachievable. Over the past 18 plus years various studies have failed to produce any significant answers to the ring road problem and it is unlikely, given the constraints of the historic city, that a substantive improvement can be made. Equally, there are no published plans for a Wincheap relief road nor a new junction off Wincheap onto the ring road. Because there are no plans there are no costings and no sources of funds have been identified.

Various plans have been published by the developers of the main south Canterbury site in relation to traffic mitigation. These have been modified when they have been shown, in detail, to be impractical. At the time of writing a viable route for the fast bus link is still unclear. Junction modifications proposed are also being questioned as to their practicality. All this will have a direct bearing on traffic congestion and thus pollution levels. Because the plans are unclear or still evolving those pollution levels cannot be measured, but given the overall housing numbers proposed they will be significant.

We question the absence of published plans to highway improvements and modifications. Pollution from vehicle traffic can only be measured when detailed planning and traffic modelling has taken place. Where conceptual plans have been published for traffic improvements they have subsequently been shown to be impractical or unachievable in detail.

Developers are being asked to pay for existing deficiencies in the road network identified by KCC and which KCC cannot fund. Developers should not be addressing these existing deficiencies, but rather the impact which their schemes are making on the road network. The ring road and the feeder roads onto it must be addressed first because this is where the impact will be greatest. Improvements to the junctions at Bridge, Wincheap and Sturry will exacerbate rather than mitigate inner city traffic and pollution.

The Transport Strategy, on which the Local Plan relies, remains lacking in detail, is uncoded and wholly fails to address the issue of pollution caused by traffic congestion and raised in the recent High Court judgement. Thus we would request that you consider how the Local Plan can be considered sound until these matters are resolved."

7. The Wincheap Society, Kent Council Council & Canterbury City Council

April 2017

25th April 2017 **Road Safety Audit Stage 1 A2 4th Arm Diverge Slip Road, Thanington, Canterbury,** Road Safety Answers RSA0006 for Pentland **Homes** Ltd.

Provided to the Wincheap Society in October, and then reviewed, see below..

May/June 2017

1. CCC

6th May 2017 Chairman of the Wincheap Society, John Osborne, sends a letter and Schedule concerning **KCC Drawing 5269/GA01: A2/A28 Coast bound off-slip** by post and email to Simon Thomas and Richard Moore at CCC.

These two WinSoc documents can be viewed on wincheapcampaigns.wordpress.com.

CCC Response None

12th June 2017 When prompted by a second letter, enquiring why no response to the first, Richard Moore replied as follows:

“Please accept our apologies for not responding to your previous letter. We were copied in on the response and subsequent correspondence between the Wincheap Society and Kent County Council and had assumed that they were addressing the points raised.

However I can see now that is not the case, and will now respond to the specific questions relating to the city council.

Firstly we commissioned WSP consultants to undertake an outline highway design to consider how an A2 off-slip at Wincheap might impact on the existing Park and Ride car park and also how a relief road though the Wincheap estate might affect our plans in terms of future regeneration of the estate. The plan has no official status and is not linked to any of the current housing developments that are now proposed in the area.

In response to the planning question you raise - the planning application that has been approved for 800 units was the subject of consultation with the Highways Authority (KCC). The planning application was reported to the planning committee last year and at the meeting a representative from KCC was in attendance and addressed questions raised by Committee members. The current application that we are dealing with is also the subject of consultation with the Highways Authority.”

2. KCC

6th May 2017 The Wincheap Society’s letter and Schedule concerning **KCC Drawing 5269/GA01: A2/A28 Coast bound off-slip** is posted and emailed to James Wraight and Sally Benge at KCC.

Response

15th May 2017 Colin Finch, KCC Principal Transport & Development Planner, replies:

Dear Mr Osborne,

Thank you for your letter dated 6th May. As the Principal Planning and Development Officer (Canterbury & Swale) for Kent County Council your letter has been passed to myself to respond.

Firstly I should say that the WSP drawing 5269/GA01 is not something that the County Council has produced or indeed issued. Understandably the premature release of such information can lead to more questions than answers. I can therefore fully appreciate that this has perhaps caused you much concern.

The principle of the A2/A28 coast bound off-slip at Wincheap is indeed directly related to the Pentland Homes (Thanington Park) development allocated as part of the Canterbury Local Plan. Action F9 of the Canterbury District Transport Strategy lists the scheme as required infrastructure in order to facilitate the proposed housing growth. As you are probably also aware, the Local Plan policies T11 and those within SP3 (Site 11) require this development to fund the A2 off-slip.

I am afraid to say you appear to have gone to great lengths to review a WSP drawing that is highly unlikely to be taken forward. We are yet to have acquired a drawing on the exact proposals to review ourselves at this point in time.

There are however some of your questions that could be placed in a general context which I have responded to. I have responded to those questions as numbered in your letter, however, as the WSP drawing will not reflect the draft or final scheme, my answers should be regarded merely an attempt to alleviate some of your concerns.

1. Forward visibility is usually assessed using a band between 0.9 & 1.5m height.
2. The pedestrian/cycle connections between the A28 and Great Stour Way route should be improved, rather than compromised, by any forthcoming scheme.
3. Refer to answer 2 above.
4. The designers would have to model the use if this junction with the inclusion of the full allocation of housing within the local plan, which would include the Thanington sites.
5. As above, modelling of junctions would include use by Heavy Goods Vehicles.
10. b. The strategy for Park and Ride in Thanington includes an extension of the current provision at, or immediately by, the existing facilities.
 - e. Refer to answer 2 above.
11. Refer to answer 2 above.
13. Any junction design proposals would be fully modelled to assess their impact and flow.
15. A "Desire Line" is generally seen as an alignment that people would ordinarily choose between two points.
17. Modelling for the A2 coast bound off-slip would include the expected movements from the development at Thanington Park and any impacts on the A2 "North bound off-slip".
18. As above, modelling of the A2 coast bound off-slip would model movements through a signalised St Nicholas Road junction.

The considerations you have provided for the WSP drawing will I am sure be of use to ourselves and others when assessing the forthcoming scheme. Off- site highway works of such a scale would ordinarily be subject to public consultation as part of the planning process. I have every confidence that Canterbury City Council will provide an informative consultation at the appropriate stage in proceedings. Thank you again for your letter and I hope the above provides some reassurances."

18th May 2017 Email from Gillian Bull, Wincheap Society, to Kent County Councillor Michael Northey, representing Canterbury South:

"Dear Mr Northey, I'm sorry the attachments were inaccessible - probably because you were only cc'd in. I attach them again below. Let me know if you have further problems.

Regarding your comment, "I am sure that KCC Highways and CCC Planning will take full note of the documents" I'm afraid that KCC Highways have let both us and you down. In a response by Mr Finch, he denies all knowledge of the Drawing, stating that it was not produced by KCC, and they would not issue

such a Drawing without consultation - which is strange, as it was issued by KCC in April, and can be viewed on democracy.kent.gov.uk at Decision 17/00025. The Drawing is in the third document on this web page, Appendix (third Drawing).

The Wincheap Society will be responding to Mr Finch's letter today or tomorrow, pointing out his error. KCC's right hand appears not to know what its left hand is doing. You will appreciate that this can only increase your constituents' anxiety about what is going to be inflicted on us by the A2 slip road and the Thanington Park access roads."

19th May 2017 John Osborne, Wincheap Society, emails Colin Finch:

"Dear Mr Finch, This is to confirm that I have received your email dated 15th May, and to register our amazement at its contents, in particular your statement, on which your comments on our Schedule are predicated:

"Firstly I should say that the WSP drawing 5269/GA01 is not something that the County Council has produced or indeed issued."

WSP drawing was indeed issued by KCC and was viewed on democracy.kent.gov.uk at Decision 17/00025. The Drawing is in the third document on this web page, Appendix (third Drawing).

Our query to you now is: just what is going on at KCC regarding plans for both the A2 4th slip road and access to the proposed Thanington Park and how come you did not know of this Drawing?

As "stakeholders" members of the Wincheap Society Committee have attended meetings called by both Pentland Homes and Quinn Estates. At the last two meetings with Quinn Estates we were shown plans for a gyratory system involving traffic from the A2 4th slip road being directed through the Wincheap Industrial Estate to the junction of Simmonds Road with Wincheap, and Wincheap itself being converted into a one-way system. At the last meeting with Quinn Estates on 9th May Gary Heard, of Peter Brett, commented on the WSP drawing that the roundabout [at the north end of Ten Perch Lane] is too big, and he had made it smaller.

Is Mr Heard in fact involved with KCC in producing drawings for the slip road and Thanington Park access? In response to comments that the proposed additional slip road situated west of the northbound A2 into Thanington Park and accessed southwards from the A28 is physically unfeasible, as well as adversely affecting adjacent existing houses, Mr Heard said, "I've done the measurements, and it will work". We ask again, who is actually preparing these access plans - KCC and Highways England, or the developers? We await a more appropriate response to our queries than that in your letter dated 15th May."

26th May 2017 Colin Finch KCC writes to John Osborne, Wincheap Society:

"Dear Mr Osborne, I am writing further to your email of 19th May and must firstly apologise, you are of course correct in that the drawing had been included as an appendix of the Environment and Transport Committee on the 13th March. This meeting had occurred prior to my employment and regrettably for whatever reason, this information had not been made available to me at the time of responding to you. I am now though fully aware of it and hold my hands up to the error. Certainly it would never be my intention to mislead.

Despite the initial inaccuracy, the remaining contents of my earlier letter remain appropriate. I have however added some further detail which I hope will answer any questions left from my first response.

Reading further into the report published, the corresponding decision gives approval to the following;

- Progress the design of the off-slip scheme
- Carry out consultation on the off-slip scheme
- Enter into a Local Growth Fund funding agreement
- Enter into construction contracts as necessary for delivery

In addition to the above the officers present are recorded as stating that a detailed business case would be forthcoming before implementation.

The WSP drawing should only be used as a concept and nothing more. Although publically (*sic*) available it is not part of a consultation exercise. Its inclusion in the committee report was intended to give some visual background to the scheme for members only. The drawing had been borrowed from Canterbury City Council for that purpose. I can fully understand that without anything alongside the drawing to demonstrate that it is indicative; it is very confusing to members of the public coming across it. With that in mind I have asked that future drawings released in such a way give reference to their status.

Considerably more work will need to be completed before a drawing for this scheme will be ready for public consultation. Reading Mr Eden-Green's letter that you were copied into, I fully appreciate the uncertainty associated with this development is causing concern. I also appreciate that there is a hunger for information. Public consultation must and will be provided at the appropriate time and schemes as large as those under consideration do take a long time to get to that stage. Your earlier comments on the feasibility drawing will give designers an idea of community concerns and as stated earlier, that is certainly very beneficial. In fairness, the committee report to which the WSP drawing was attached, does clearly portray that this matter was seeking approval for progression using Local Growth Funding and to consult more widely. I take the point though that it does not clearly indicate that this drawing is not one that would form part of the public consultation.

I was aware that Local Growth Funding had been approved for the A2 off-slip earlier and at present discussions are underway as to who would deliver it. At this point in time my understanding is that KCC considers that it should be for the developer of the Thanington Park site to submit the associated planning application, under agreement from Highways England. I should also clarify that, whilst the Local Growth Funding has initially been approved, it will be subjected to the approval of a full business case which is unlikely to be completed until this time 2018.

A successful KCC application for growth funding should provide a couple of benefits:

Firstly, that the project can commence sooner, rather than being wholly dependent on the build out rate of the Thanington Park site.

Secondly, it will release some of the developers financial obligations that were to be allocated to the A2 slip, towards the wider considerations of the A28 corridor heading East.

I must re-iterate though that as the Committee approving further works was only in March of this year, it will be a little longer before meaningful drawings and information are provided publically. (*sic*)

Similarly to the A2 slip scheme being progressed, Canterbury City Council are progressing studies to improve the A28 corridor. In addition Kent County Council are looking at options to improve the City Centre ring road. It will be expected that both the Thanington sites contribute towards improvements as prescribed in the Local Plan Policy.

I would hope that the fact that KCC have put in a bid for the Local Growth Funding, releasing further funding for the A28 corridor gives you some clear assurances that work is very much going on in the background to alleviate your concerns. Repeating what has already been advised to Mr Eden-Green, both authorities are heavily reliant on external funding for such schemes and we seek every opportunity to attract it. It may not be that funding is secured in the order that would be desired, but that is largely out of our influence. Grants become available for different things at different times, similarly we are not able to control the rate of development on the Thanington sites. Although outline permission has been granted for Thanington Park, I do not believe there has been progression beyond that. At this stage it is probably fair to say that designs for both schemes would be available in advance of the mitigation for the developments being required.

To directly answer the questions in your email; Mr Heard is a Peter Brett Associates consultant working for both the Cockering Farm development and Thanington Park development. KCC Highways have, and will continue, to feed into the development of the schemes. At this point in time the lead for the scheme is the developers of the Thanington Park site, not KCC.

Once again my sincere apologies for the earlier inaccuracy (*sic*). I fully appreciate the desire for information and hope that I have assured you sufficiently that this will be forthcoming as soon as it is appropriate to do so."

June 2017

12th June 2017 John Osborne, Wincheap Society, writes to Colin Finch, KCC:

"Dear Mr Finch,

KCC Drawing 5269/GA01: A2/A28 Coast bound off-slip

Thank you for your letter emailed on 26th May. We found it informative, though not comforting.

I attach for your information a copy of a letter sent to Mr Simon Thomas & Mr Richard Moore of Canterbury City Council, following discussion by the Committee of the Wincheap Society of your letter."

8. Wincheap Ward Councillor Nick Eden-Green & Kent County Council

19th May 2017 Nick Eden-Green writes to Colin Finch of KCC:

"Dear Mr Finch, Your letter of 15th May to Mr. Osborne of the Wincheap Society has been copied to me, as was his earlier letter of 6th May to you.

There seems to have been a complete misunderstanding over the fundamentals of both the drawing under question and the wider transport and traffic implications.

First, it should be made quite plain that the drawing came from you. It was referred to in an email from Emma West of KCC under "Cabinet Member Decision 17/00025 Highways and Transportation Schemes Funded Through the Local Growth Fund Round 3". The email was dated 4th April 2017. This is the source of the WSP plan. It is taken from your own website and it is the basis of your own Cabinet decision. Thus your second paragraph suggesting that the drawing "is not something that the County Council has produced or indeed issued", is wholly erroneous.

For some three years both I, and numerous residents and residents' associations, have been trying to obtain plans indicating the future road planning in Wincheap. This is the first official plan we have seen and you will understand the criticisms made by Mr. Osborne.

For many years we have been seeking solutions to the traffic problems in Wincheap. In 2003 Canterbury City Council commissioned a report from Babbie dated 22nd December 2003 which indicated a potential solution with a new bridge under the railway at St. Andrew's Close with a gyratory system incorporating this and the existing Wincheap roundabout. The junction of the A28 at the ring road is the fundamental and core problem that needs to be addressed. This has to be solved or at least ameliorated before anything else is done.

Following on from this a relief road has to be constructed through the industrial estate. I understand that some plans under consideration show a relief road existing onto Wincheap via the Simmonds Road junction at the Maiden's Head public house. This is wholly inadequate because some city bound traffic cannot even turn left at that junction without impeding the traffic travelling towards Ashford.

Following the construction of the Wincheap/ring road junction and the relief road a new Park and Ride will need to be built because the fourth A2 slip road passes through the existing Park and Ride site. Only after all these works have been completed can the fourth slip road be built. These highway improvements must be done in that order.

The WSP drawing gives a wholly inaccurate and very limited picture of the above requirements. It is factually inaccurate. For example, it states "north bound A2 off slip road no changes proposed". This is actually the proposed access to the 1,150 new houses indicated in the amended Canterbury Local Plan. This will mean fundamental changes to that slip road and the traffic management associated with it. The WSP drawing fails to comment on the Park and Ride which is fundamental to the Transport Strategy document on which the Local Plan relies. The WSP drawing is incomplete in as much as it fails to address the logic of the issues raised above.

For some three years residents and I have been trying to obtain plans of how the traffic problems in Wincheap are to be addressed. The Canterbury and District Local Plan rejected any further housing at Thanington on the basis of access to the site and traffic impact. Following the comments from the Planning Inspector on the inadequate five year housing supply, the Thanington site was put in as an amendment to the Local Plan. At no time was any reassurance given that the traffic impact and access arrangements could be satisfactorily addressed. When the outline planning application was consented in January 2016, assurances were given that these matters would be addressed. Some 17 months on, the only plan we have is the WSP plan issued by yourselves which signally fails to address them.

The outline planning consent granted by committee in January was subject to a possible judicial review by the parish council. This was not pursued on cost grounds, but the reasons for it still have not been addressed. These were explored in the specialists reports from Railton commissioned by Thanington Without Parish Council which I presume you have seen. I have had meetings with Sally Benge and with the developers and residents. The key questions about the need for a detailed plan showing the road scheme, junctions and traffic management both around the A2/A28 junction, access to the Thanington site, changes to St. Nicholas Road, Park and Ride location and access, Wincheap relief road and most importantly of all, the Wincheap ring road junction, all remain unanswered.

I find it extraordinary that 17 months after an outline planning consent has been granted, there are still no plans. We currently have another developer wishing to obtain consent for 450 dwellings on the adjacent Thanington site who is also unable to answer fundamental questions on access, junction and traffic plans with a clear comprehensive planned solution.

The WSP drawing came from yourselves and it is the only plan we have before us. In your letter you state that the WSP drawing "is highly unlikely to be taken forward". Can you please give us a comprehensive plan that is likely to be taken forward.

I would be happy to meet with you or your officers together with Mr. Osborne and other residents' groups to try to resolve this if you wish."

30th May 2017 Nick Eden-Green writes to Colin Finch KCC

"Dear Mr Finch, Thank you for copying me in to your reply to Mr Osborne dated 26 May.

To be blunt, this matter becomes more and more disturbing. Can I try to summarise at least some of the issues which have been raised by residents consistently over the last 2 years?

1. The PBA plan formed the basis of a KCC cabinet decision yet you now admit that plan was wrong. Thus how can KCC members have made a correct and informed decision based on an erroneous plan?
2. PBA are consultants funded by developers. As we all know, consultants, however much they claim independence, will prove what their paymasters want. This became abundantly clear when Thanington Parish Council funded traffic reports from Railton which flatly contradicted PBA. KCC and CCC cannot rely on consultants paid by a developer to give impartial evidence. So if PBA's plans are not acceptable where are your plans?
3. Your reply to Mr Osborne concentrates on the 4th slip road. As has been pointed out on numerous occasions this is the last, not the first, piece in the jigsaw. The Wincheap traffic problem must be addressed in this order:
 - A) The junction of Wincheap onto the ring road
 - B) The route of the Wincheap relief road including detailed junction plans
 - C) The location and capacity of the new Park & Ride
 - D) The 4th slip road

All these plans will need to be costed and funding identified. It is pointless to fund the 4th slip road if the other improvements have not been funded first, not least because the slip road bisects the Park and Ride site!
4. This scheme cannot be considered in isolation. Some 10,000 new dwellings are proposed on the Southern side of Canterbury. The impact on the ring road and feeder roads must be considered as a whole. Hoped for 'modal shift' is unrealistic when the major sites are almost all located beyond the existing urban area and often uphill. The pending judicial review on the Mountfield Park site underscores the concerns of residents.
5. It is now some 17 months since planning consent was granted for 750 dwellings on the Thanington site. An application for a further 400 is pending. The prime concerns of residents have always been access and traffic congestion/pollution. Surely it is reasonable to have expected plans to address these issues by now? They were promised 17 months ago.
6. These plans must show, in detail, how access to Thanington Park is to be achieved, ie the junction onto the A28, right turn lanes, traffic signal phasing and its effect on traffic flow, feasibility of engineering the slip road extension etc. They must also show in detail how the network outlined at point 3 above is to be achieved.

Frankly, I do not believe that some aspects of these traffic schemes are actually feasible. Nor do I believe they are costed, let alone funded. How can you consider proceeding with the 4th slip road without tackling these points?

There have been numerous meetings between developers and residents on the two Thanington sites as well as the Moutfield (*sic*) Park site. On no occasion, so far as I am aware, have detailed questions on traffic improvements been answered. There have been statements and promises on access roads, fast bus links, cycleways, etc but no detailed plans showing how they will actually work, or be built, or be integrated, or be funded, let alone how they will be joined up.

Canterbury's local plan relies on a viable transport strategy agreed by KCC as the responsible transport authority. One major planning consent went forward 17 months ago (750 dwellings at Thanington), another is in abeyance due to judicial review (Mountfield), a third (400 dwellings at Thanington), is pending. Where are the plans, please, to show that these schemes, realistically, are achievable? This the situation we are all in: one of total information poverty, where the PBA plan is the only information we, in Canterbury and Thanington have had and indeed which KCC cllrs have had, yet which you rightly say is incomplete and incorrect."

18th July 2017 Colin Finch replies to Nick Eden-Green's letter of 30th May.

"My apologies for the delay in response. I too have been on leave and catching up with things and my understanding is that you have already received responses from colleagues and myself on the majority of the contents of your letter. You have repeatedly made your point regarding the sequencing of highway mitigations in Wincheap and we fully understand your opinion. The correspondence you had with my cabinet member at the end of last year coherently answered the queries you have raised and I'm afraid very little has changed on that matter since then. It is often the case that outline applications are granted but nothing happens on the ground for many years. As you are well aware, in the case of Thanington Park, Pentland are unable to commence until such a time as designs for the 4th slip road are approved. At this point in time Pentland have not submitted a planning application for works to the slip road and whilst we are able to provide guidance, until such a time as the application documentation is fully prepared it is impossible for us to analyse the data and provide a formal response. Naturally at the same point that we respond, you too will have further opportunity.

A fourth slip at Wincheap is a component of the Canterbury Transport Strategy and it is imperative that this mitigation is provided to mitigate the impacts of the significant housing allocation placed upon this area. The County Council continues to work tirelessly to secure additional grant funding so that Section 106 funds can be put towards the other schemes you mention. I would suggest that it is all of our interests to ensure that as much funding is available as possible to cover the costs of those schemes, no matter what the sequence. The sequence of grant funding availability or applications made is entirely out of our control and I would have hoped this point could be understood.

I shall however answer some questions in an attempt to remove any confusion.

1 *The PBA plan formed the basis of a KCC cabinet decision yet you now admit that plan was wrong. Thus how can KCC members have made a correct and informed decision based on an erroneous plan?*

I have not stated these plans were incorrect. What I said was that the drawings were to be used as "concept" only in order to assist County members to make a decision as to whether KCC should enter into a funding agreement for Local Growth Funding for such a scheme. This is made clear in both my letter and indeed the committee report.

2 *PBA are consultants funded by developers. As we all know, consultants, however much they claim independence, will prove what their paymasters want. This became abundantly clear when Thanington Parish Council funded traffic reports from Railton which flatly contradicted PBA. KCC and CCC cannot rely on consultants paid by a developer to give impartial evidence. So if PBA's plans are not acceptable where are your plans?*

As you are aware Pentland are required by condition to produce detailed designs for the A2 off-slip. These designs will be consulted upon and KCC, CCC and Highways England will all be party to that consultation and required to provide input and approval, or otherwise, of those designs. In this instance it is our role to critically analyse the drawings produced by the developers, not to produce our own drawings.

In respect of the requirements of Park and Ride and the relief road, these are matters being led by the City Council. As a councillor for that authority I expect you will be doing all you and to expedite those schemes.

You have had a number of responses from differing officers and our cabinet member on this subject. Our responses have provided you with all the information you should require on this subject and there is nothing further that we can add at this stage. Although I would hope that you do not choose to make a formal complaint, the procedure is available to you and I can provide you with the details should you so choose.

As soon as I have further information I will ensure my county members are fully briefed. Following my initial contact with them, I assure you that I will have no cause or reason to withhold information from yourself and will be happy to share all I have. My best guess would be that we will have sight of A2 off-slip drawings to share with members well before the end of September, I re-iterate though, this is not in our control.”

17th August 2017 Matthew Balfour, Cabinet Member for Planning, Highways, Transport & Waste, emails Nick Eden-Green:

“Dear Mr Eden-Green, Michael Northey has kindly passed on your latest email regarding your continued concerns at Wincheap.

Whilst I can understand that things may not be progressing as fast as you would like, the schemes about which you are concerned involve multiple agencies and as such will take time to develop. In respect of my County Council officer’s conduct, I believe they have given these matters considerable attention. Mrs Bengue and Canterbury Planners met with you on two occasions to discuss the Thanington application, one such meeting included a demonstration of the traffic modelling, showing no worsening of the current traffic conditions. Mr Finch’s predecessor in Canterbury, Mr Hogben, has also provided responses to your questions. You may recall that the responses were as follows;

1. As is clear from the cabinet report and Mr Finch’s responses of 26th May and email of 18th July, KCC members took a decision on whether or not to secure external funding from central government to fund the coast-bound off-slip. We were not taking a decision on the design, only on securing grant funding for an off-slip. Members were all aware that the drawing submitted was indicative of the scheme.
2. Members of Canterbury City Council voted to adopt its local plan, including the allocations at Thanington instructed by the Planning Inspectorate. The County Council supported this decision having had discussions with the City Council on delivery of increased Park And Ride provision and a gyratory scheme through Wincheap. The function of delivering those associated schemes is in the hands of the City Council and I would politely suggest that you are therefore in a more privileged position to acquire information on those schemes than KCC officers or Councillors. I am certain my officers will do all they can to assist, however the delivery of your local plan and those two particular highway associated schemes are matters for the City Council. The rate for delivery is entirely a City Council prerogative.

The delivery of the A2 off slip should enhance the City Councils plans for the Wincheap Regeneration area. A successful grant application by KCC for the off-slip would release funding towards the City Council’s schemes. And, further contributions are being negotiated from the developers. The success of this approach is a testament to the close collaboration between KCC and City Council officers.

One change that has occurred since your last correspondence is the acquisition by Mr Finch of the Road Safety Assessment completed by PBA for the Coast Bound Off-Slip. This has gained approval by Highways England and the County Council and is now in a position to be shared. I have therefore attached to this email the report and associated developer’s response for your information. The report includes the latest iteration of the schemes design. The design is also available via the recently lodged EIA screening application 17/01802 validated by the City Council on 28th July. The requested NMU report is yet to be made available, however as soon as it is I am certain that Mr Finch will provide it to you.

To summarise, I have officers in my Major Projects team, Agreements team and Planning team, all dealing with the Off-slips. In addition I have officers looking at potential solutions to the ring road, including the Wincheap roundabout. The County Council is therefore committing considerable resource to assist Canterbury City Council in the delivery of its local plan.

In light of the considerable time allocated by officers and time they have given you already, I must politely suggest that we have given as concise a response as is possible. Mr Finch has informed you of your option to pursue a complaint through the formal process and this remains an option for you. As is entirely

appropriate, you will naturally have the ability to continue to discuss matters with your own Council in both public and private debate.

I trust that this answers your request.”

19th August 2017 Nick Eden-Green emails Matthew Balfour

“Dear Mr Balfour, Please send copies of the documents as promised in your email. Thank you.”

21st August 2017 Emails from Matthew Balfour’s office:

“Good morning Mr Eden-Green, Apologies for omitting to send the attached documents in the original email sent on the 17 August.”

23rd August 2017 Nick Eden-Green writes to Matthew Balfour, Cabinet Member for Planning, Highways, Transport & Waste.

“Dear Mr Balfour, Thank you for your email dated 17th August. Can I point out that I am not in the least concerned about the speed of progress, but rather the method of progress. There seems to be an assumption that because there is some overload at the Harbledown junction this will be relieved by a fourth slip road at Wincheap. The Harbledown junction is served by a lengthy straight road which contains no houses and leads to a dual carriageway which again has no dwellings. The delays are principally caused by congestion on the ring road. A fourth slip road at Wincheap will certainly take some traffic from this junction, but it will cause even greater congestion on the A28 which, as you know, suffers unacceptable levels of pollution and congestion already.

My concern and that of my residents, as evidenced by Thanington Parish Council and The Wincheap Society, is the lack of any overall master plan for dealing with the traffic. Piecemeal plans such as that for the fourth slip road fail to show, or take account of, other changes such as the Wincheap relief road, the two-way off-slip from Dover, the lights at St. Nicholas Road etc.

It is true that I have had two meetings with Sally Bengé. The first was some years ago when traffic modelling was discussed in relation to the Local Plan which has since been amended by the addition of the Thanington site and others. Traffic modelling which has been called into question by conflicting reports from consultants employed both by the developers and the parish council. The second was a commitment made in order to have the judicial review lifted which had been invoked by the parish council.

I think it true to say that nobody is against a fourth slip road in principle. The cabinet decision was taken on a patently erroneous plan, but you say this was merely a design concept. Be that as it may, the proposed two-way slip road from Dover, the St. Nicholas Road lights and the Wincheap relief road will all impact on how the fourth slip road works.

You also say that I should be able to obtain more information from CCC as this is as a result of their Local Plan. The Local Plan was reliant on a Transport Strategy which was signed off by KCC as the responsible highways authority.

The safety audit documents which you have forwarded to me are helpful in as much as they contain a more detailed plan of the slip road. I note that they were available in early April and early May. Why was I not made aware of them earlier, please? I note that this audit was made mid-week during Easter week at around midday when traffic will have been at its absolute lightest.

Once more the plans fail to show the other proposed changes at the A2/A28 junction, the relief road etc. Without this no judgement can be made about the possibility of traffic backing up onto the A2. This is surely the prime safety consideration.

Unsurprisingly, given that the consultants employed by the developer have produced these plans, there is no consideration of what is a most unusual design of a short motorway standard slip road terminating in a near 180 degree bend and then performing a u-turn at a small roundabout in the middle of a retail park. Is this really sensible or safe?

There are a number of other unaddressed issues. The report discourages cycling which is contrary to the Local Plan policy of modal shift towards cycling. It is silent on cycle routes. It does not show how traffic from Canterbury will cross through traffic from the slip road in order to enter the Park and Ride. There is no information on the changes to green and red traffic light timings which will necessarily need to be adjusted at

the junction. This will have a significant effect on queueing traffic on the A28 and thus on air pollution on a residential road which suffers current pollution in excess of safe levels. How many spaces will the Park and Ride accommodate? Where will new land for the allotments be found, a legal requirement I believe?

All this tracks back to the need for an overall plan. Detailed individual plans for new proposals such as this cannot sensibly be considered in isolation when other proposals will directly impact on them. It is imperative that before any of this goes any further a master plan is put in place in order to see if these detailed plans are in fact achievable in the first place.”

15th September 2017 Cllr Nick Eden-Green writes to Colin Finch KCC, (and Richard Moore and Austin Mackie of CCC):

“A2/A28 Junction at Wincheap

I write further to my letter of the 23rd August to Mr. Balfour to which I have not had a reply. As a result of the recent requirement for safety and EIA screening information, local residents and I have been examining certain past documents which require information prior to any agreement on new roads or junctions at Wincheap.

Highways England in their memo from Simon Jones to Canterbury City Council dated 11th December 2015 required a fully designed scheme as detailed in their annex A. It appears that this still has not yet been done. If the scheme is available can you please forward a copy to me?

Mr. Jacob’s letter from Highways England to David Campbell dated 3rd August 2015 raised various questions relating to the two way slip road to access the Thanington Park site. This required plans. Once more no plans seem to be available. If there are any such plans please forward them to me.

The letter also raised a number of concerns and criticisms relating to traffic growth, residential trip generation, transport modelling etc. Have these concerns been answered? We note that there appears to be reliance on information on these matters being provided by the developer’s traffic consultants PBA. From earlier meetings with Thanington Without Parish Council, Wincheap Society, Chartham Parish Council and local residents’ associations considerable doubt has been cast on the accuracy of the PBA findings given that they are in the pay of the developers. We would ask that the findings of the Railton report commissioned by Thanington Without Parish Council dated 5th April 2016 forms part of this consideration.

Highways England have set out various conditions which they require to be met. These include condition 1, detailed drawings of a fully designed scheme prior to any development and condition 4, a travel plan. Once more these conditions do not yet seem to have been met.

In Mr. Jacobs’ letter to David Campbell dated 16th September 2015 further doubts over PBA’s assumptions are voiced, conditions raised and audits required, notably for non-motorised users. Please can you let me have copies?

The Planning Decision Notice granted on 13th July 2015 required detailed drawings of the proposed two way access slip road. Both residents and Mr. Bamber of Railton have examined the physical feasibility of this and do not see how it can actually be achieved on the ground. Clearly this may be proven or disproven by a detailed plan, but once more no such plan appears to exist.

Schedule 3 paragraph 6 of the S106 Agreement dated 6th July 2016 refers to the number of houses that can be built at Thanington Park prior to the construction of the fourth slip road.

However, if any houses are built the two way access slip road must be constructed first. Given that there are no plans for this and that its feasibility is questioned should there be any reliance on a funding stream from housing development for the fourth slip road? Surely plans for the two way access road, including plans for the junction on to the A28 are the first priority.

The two contradictory plans for the fourth slip road take no account of the two way access slip road, nor do there appear to be any plans for the overall A2/A28 junction as modified by these changes. A piecemeal approach clearly will not do. Where is the comprehensive plan, including traffic modelling?

If any of these plans or alterations are going out to consultation then they must be in the context of an agreed overall plan because each will impact on the other and they will also require a new Park and Ride, new allotments, Wincheap relief road, junction onto the ring road etc. Unless and until this is done, consultation on, and progress with, the fourth slip road cannot logically be undertaken.”

9. Wincheap Ward Councillor Nick Eden-Green & Highways England

August 2017

21st August 2017 Nick Eden-Green emails Kevin Bown, Spatial (Town) Planning Manager Highways England:

“Dear Mr Bown, 4th slip road at junction A2/A28 Thanington, Canterbury

I write as one of the Canterbury City Councillors in whose ward this project is located.

I do so as there has been considerable local discussion and interest in these plans, information on which has not always been public. I think it fair to say that the principle of a 4th slip road is welcomed provided it can be properly integrated into the existing road system.

The existing A2/A28 junction is complex (54 traffic light poles and 100+ sets of lights!) and subject to considerable queuing traffic. The council's local plan calls for some 10,000 new dwellings in the southern quadrant of the city which will impact on the wholly inadequate ring road which carries the A28 and causes traffic to back up into Wincheap.

Of these new dwellings, 1750 are planned to the SE of the 4th slip road at Thanington with access planned by making part of the northbound A2 slip from Dover two way thus meaning further revisions to the A2/A28 junction with a secondary access at St Nicholas Road with further lights.

I give these details as they will have a direct bearing on traffic dispersal from the new slip road onto the A28. In order to prevent traffic backing up onto the A2 I am sure you will require traffic priority to be given to traffic exiting the A2. This will necessarily mean further delays to A28 traffic. The A28 is a largely residential road already suffering air pollution levels in excess of government norms. Whilst there exist within the council transport strategy plans for a Wincheap relief road, details are unclear, unplanned and unfunded.

May I ask you to consider

1. The adequacy of the length of the proposed slip road which culminates in a hair pin bend.
2. The appropriateness of the bend at this point.
3. The appropriateness of two 180* turns both approaching and within a busy retail shopping estate and the introduction of A road through traffic to a retail estate.
4. The absence of detail on A28 traffic light priority measures and their knock on effect on other roads.
5. The absence of any plans for a Wincheap relief road.
6. The existing traffic congestion at the A2/A28 junction, including queuing traffic southbound in Ten Perch Road which regularly waits for 2 or 3 green light sequences.
7. The need to restrict cycling and walking for safety reasons in direct contradiction to the council's local plan to encourage modal shift towards cycling and walking in order to reduce congestion and pollution.
8. The absence of detail on necessary junction revisions to the northbound slip from Dover which is to be made two way. This will need to accommodate right turning traffic on the A28 from Ashford direction and thus affect westbound traffic exiting the new slip road.
9. The proposed new lights at St Nicholas Road which will further affect traffic as at 8 above.
10. The effect of the local plan new housing proposals on traffic levels. Various contradictory traffic modelling reports have been produced by the local authority, consultants commissioned by the developers and consultants commissioned by residents. Suffice it to say the existing junction is already technically over capacity and the additional housing (an increase of 30-50%) plus the two new right turns for A28 traffic eastbound is likely to exacerbate matters. The consultant's reports basically accept this but unsurprisingly disagree the quantum.

Forgive me if these points are already under consideration by you but this was not obvious from the plans supplied. The points above are expanded in the Wincheap Society website under Wincheap Campaigns.”

22nd August 2017 Kevin Bown, Highways England, emails Nick Eden-Green:

“Dear Cllr Eden-Green, Thank you for your email.

I can confirm that all the questions you raise are similar to those we have also raised.

Highways England have been open and consistent in our views since the time of the first Local Plan Examination onwards and during the consideration of the Cockering Farm application. We have stated that while we have a responsibility to facilitate economic development and regeneration, it can only happen where we are also able to maintain the safety, reliability and operational efficiency of the strategic road network. With regards the 4th slip, we have always said we would have no objection in principle to the slip provided that it could be demonstrated via modelling that the strategic and local networks could accommodate the additional traffic and that the design was such that it could be done safely.

As my response to the Council regarding the EIA Scoping noted, discussions continue regarding both the modelling and the design of the slip.

Kent Highways have similar responsibilities regarding the local network including the A28.

We both recognise that the travelling public do not separate in their minds the strategic and local networks, they simply wish to travel from A to B. Consequently we aim to ensure that neither would be unacceptably affected by proposals.

I hope my response will reassure you that we are working hard to resolve all the challenges that a new slip presents but at the end of the day we will not support any proposals that do not meet the required standards.

Should you have any further queries or comments please do contact me.”

22nd August 2017 Nick Eden-Green emails Kevin Bown, Highways England.

“Dear Mr Bown, Thank you for your helpful and full reply. As indicated, we have concerns over the detail of the proposal and I am reassured these are matters you are examining. We trust you also picked up the point that the survey was conducted during Easter week in late morning which is probably the least busy time other than 25 December!

I think the wider problem residents have is the absence of joined up thinking between this scheme, the effects on it of the 2 way site access/modified Slip road exiting from Dover and the St Nicholas Road lights, none of which have been detailed. Nor is there any detail of the Wincheap relief road and its junction onto the ring road. Frankly nobody seems to know how these changes can be implemented in detail, if indeed they are feasible at all. Each change will impact on others (admittedly some beneficially!) but there does need to be an overall master plan in order to be able to assess the impacts. Without this, the effect on the A2/A28 junction, and thus the A28, cannot be determined. Given the existing levels of congestion and pollution on that residential road I am sure you will appreciate and consider residents' concerns. Of course, this spills over into consideration of the effect of new housing on the network.”

15th September 2017 Nick Eden-Green writes to Kevin Bown, Highways England, alerting him to the Railton Report (which he encloses) and the unanswered questions raised in Mr Jacobs' letter to Mr Campbell dated 3rd August 2015, which prompted Thanington Without PC to commission the Report.

10. Wincheap Ward Councillor Nick Eden-Green & Canterbury City Council

23rd August 2017 Nick Eden-Green emails Cherry Jones at CCC:

“Dear Cherry, 17/01802 & 03 These are the plans from the safety audit. They differ from those on the EIA assessment yet come from the same basic source. There seems no point in agreeing (or not) an EIA assessment if it is on the basis of inaccurate plans. The EIA assessment letter states that there is an allotment and attenuation area to the NW and that there will be no built development on the allotments. This is patently contradicted by these plans.

The EIA letter claims there will be no significant increase in air pollution. However, given no detailed plans for the effects on Wincheap of making the London bound off slip two way, the proposed lights at St Nicholas Road or the Wincheap relief road, there will be considerable increased traffic queuing and pollution on the A28. Yet no mention is made of this no reference to it. The environmental impact will be significant and it will also be significant in the Ten Perch Road area.

The plan is to bring through traffic from the A2 into a retail shopping area via a 180 degree bend and a second 360 degree turn at a small roundabout on the estate. The environmental impact does not seem to have been assessed at all.

There is much more. I happened to be at the office today and called in to see you but you were not in. All this needs to be made very clear in the EIA response.”

24th August 2017 Nick Eden-Green emails Cherry Jones at CCC:

“Dear Cherry, I realise you are on leave.

I have been contacted by various residents and you will note from the Wincheap Society website that there is considerable disquiet over how this matter is being progressed. Can you please, in due course, copy me your response to the EIA because the general points I have made cover some of the issues raised by residents and it is vital that environmental concerns are flagged up at this stage.”

24th August 2017 Austin Mackie CCC emails Nick Eden-Green:

“Thank You Cllr, In parallel with the schedule of formal information that we will require as an LPA, it is my intention to forward to the Applicant the various comments / questions raised by residents and ask that as part of the application submission, in addition to the more technical reports, they also prepare a specific response to residents various concerns. I would hope that will assist residents in assessing the application during the initial consultation period without necessarily having to try to translate lengthy technical reports.

I did look at the Winsoc Campaign site earlier this week and noted both their earlier letter and a more recent Q&A. I am away from the office tomorrow, but happy to liaise on Tuesday to ensure that I have the full schedule of comments to forward to the Applicants.”

25th August 2017 Nick Eden-Green emails Austin Mackie

“Dear Mr Mackie, Many thanks. That is very helpful.

I wonder if we might meet for 10 or 15 minutes so I can try to give you some of the background on this - it's a long saga going back over very many years!

I am away for the latter part of next week but could easily come onto the office on the afternoon of 29th or the first half of the morning of 30th at a time to suit you.

Perhaps you'd let me know?”

11. Two Wincheap Society Reports

August 2017

August 2017 Two Reports prepared by the Wincheap Society, posted on wincheapcampaigns.wordpress.com :

Access to “Thanington Park” The Decisions See-Saw, Report by the Wincheap Society, August 2017

Introduction: why we wrote this Report.

Background: Thanington south of the A28

Proposed access points to Thanington Park:

1. A2 westbound slip road vehicle access, and the revised junction at the A2 westbound slip road and A28
2. Cockering Road “all modes” access from Strangers Lane and St Nicholas Road
3. Pedestrian and cycle only access.

A2/A28 Coast bound off-slip - Wincheap Scheme,

Comments by the Wincheap Society on three drawings of the planned A2/A28 coast bound off-slip, August 2017

Schedule 2, PBA's points, HE's Response, WInSoc's's Comments, August 2017

September 2017

5th September 2017, emails as follows sent to Highways England, KCC and CCC:

Two detailed illustrated reports recently prepared by the Wincheap Society are now available on our reports website wincheapcampaigns.wordpress.com.

“Access to “Thanington Park”: the decisions see-saw”: the Wincheap Society is concerned that Kent County Council and Canterbury City Council have placed themselves over a barrel with regard to the developer of “Thanington Park”. They have sacrificed their power of leverage, and done so with the very terms of CCC's Decision Notice and the s.106 Agreement they have required the developer to sign up to. We suspect that if Highways England does not approve the current developer's plans for alterations to the northbound A2 off-slip road (because some alterations are not physically possible and others will not provide road safety standards required by law - indeed, are homicidal), then in their anxiety to acquire the 4th slip road KCC and CCC may permit the developer's construction traffic access to the development site via other routes. These routes would then become permanent.

“The A2/A28 Fourth Slip Road”: the Wincheap Society has received copies of two plans for the 4th slip road, which have been produced since the one we commented on in May (our comments on that are repeated in our latest report and schedule.) The two subsequent plans are equally problematic. Both drawings can only be regarded as contemptuous of the needs of pedestrians and cyclists, and we doubt that the proposed hairpin bend and roundabout will be negotiable by long semi-trailers (LSTs) or truck-trains. There is no indication of where or how such traffic will continue on to the city centre or the A28 towards Ashford. The resulting pollution on Wincheap is dismissed as being “unlikely to be of greater than local significance.”

Please read these reports. Traffic and pollution problems in Wincheap and Thanington deteriorate by the day, with no sign of any practical steps being taken to alleviate the residents' situation. The changes now being considered by KCC and CCC can only make matters worse.”

At Highways England, Kevin Bown

Response: email 5th September, [“Thank you for forwarding your comments and concerns. I have passed them to my colleagues dealing with the RSA/NMU aspects of this case to take into account.”](#)

At CCC: Executives: Richard Moore, Ruth Goudie, Simon Thomas, Ian Brown, Austin Mackie (cc.d Cllrs: Nick Eden-Green, Charlotte MacCaul)

Response: auto-reply email from Ruth Goudie, that she was out of the office.

At KCC: Cllr. Matthew Balfour, Executives: Colin Finch, Sally Benge
(cc'd Cllrs: Michael Northey, Ida Linfield)

Response:

15 September 2017 Email sent on behalf of Matthew Balfour, KCC:

“Dear Mr Osborne and Ms Bull

Thank you for your email dated 5 September informing myself and other County members of the release of your reports on Wincheap.

Having considered their contents and the remarks in your email, I have the following comments:

Access to “Thannington Park” the decisions see-saw

Contrary to the opinion of the email, the conditions in place for this development protect the interests of the authorities and local community. In respect of construction traffic, Condition 4 ensures that no development will commence until such a time as a Construction, Environmental and Traffic Management Plan has been approved in writing by the local planning authority.

In respect of traffic using the “farmers” access to Birch Road, an explanation has already been provided. The works are limited to site investigations currently in relation to archaeology. This route is unsuitable for construction traffic and the authorities would not agree to such use.

Conditions 8 and 9 ensure that Highways works pertaining to access to the site are approved prior to commencement. Furthermore, only 75 units are permitted to be occupied prior to completion of works on the following access points; the A2 access, Strangers Lane and the St Nicholas Road/A28 junction.

Designs for changes to the London bound A2-off slip and site accesses have secured Stage 1 Safety Audit approval from both the County Council and Highways England. This approval confirms that the design has been accepted by both KCC and HE and included an assessment of vehicle tracking as part of the process. Both KCC and HE will now complete the more detailed Stage 2 safety audits in order for the developer to commence construction.

As a result of the above progress, any concerns that construction traffic could not use those routes originally proposed by the developer at outline planning should now be alleviated.

The A2/A28 Fourth Slip Road

As previously informed the A2/A28 Fourth Slip Road will be subject to full and separate planning application.

The comments in respect of the Park and Ride are misleading. Paragraph 6.31 of the adopted Transport Strategy outlines the strategic approach for increasing the capacity of this facility. It is acknowledged within the wording that the proposed A2 off-slip results in a complete re-design of the current facility. The Pentland Section 106 includes a £1,000,000 contribution towards this expansion on the earlier of either; 2 years from commencement of the development or occupation of the 150th dwelling.

In respect of pedestrian and cycling access PBA have been requested to review the facilities and a full Non-motorised User Assessment will form part of the forthcoming planning application. My understanding is that this report is still being completed following separate concerns raised by both the County Council and the Wincheap Society.

The comments contained within the “Schedule 2” document relating to the Road Safety Audit will be reviewed by the County Council officer responsible, for their consideration. The application would not receive approval from either Highways England or the County Council without information to demonstrate that large HGV movements can be accommodated.

I trust that you find this information useful.”

26th September 2017 Wincheap Society emails Matthew Balfour KCC.

“Dear Mr Balfour,

Thank you for your emailed response on 15th September to ours of 5th September.

Access to “Thanington Park”

Firstly, you state that “Designs for changes to the London bound A2-off slip and site accesses have secured Stage 1 Safety Audit approval from both the County Council and Highways England.” Please supply copies of this design and the respective approvals to the Wincheap Society, and also to our Ward Councillors, Nick Eden-Green and Charlotte MacCaul and our KCC Councillors Michael Northey and Ida Linfield (if this has not been done already).

Secondly, we do not in way any question the function of Conditions in Decision Notices or s.106 Agreements. Our concern in this case is, that the KCC/CCC conditions when juxtaposed with those required of the developer by Highways England will result in an impasse, or a long delay, in reaching Commencement. We are worried that, because of any such impasse or delay, off-contract horse-trading will result, particularly concerning the proposed alterations to the northwest-bound off-slip road, so that construction of the southeast-bound off-slip road can commence.

A normal commercial contract for design and build of a road or any other complex system would contain a Change Control provision with a procedure for varying its terms, as well as provisions concerning liability and the burden of risk. The Decision Notice and s.106 Agreement taken together lack such provisions, and so we suspect that significant variations to contract terms and KCC/CCC’s conditions may be agreed between the parties without referral back for the public scrutiny necessary where tax-payers’ money is being spent. If there is a mechanism for Change Control set out elsewhere relating to arrangements between local authorities and private contractors, and such arrangements are somehow incorporated into the Decision Notice and s.106 Agreement taken together, we would be glad to have information concerning it.

The A2/A28 Fourth Slip-Road

Our concerns about this proposal have not been decreased by your response. The current design bears all the indications of being based on “one we had prepared earlier” for another purpose i.e. access by domestic vehicles to a multi-storey carpark. Although subject to Highways England’s and residents’ criticisms since its first appearance, instead of being assigned to the rubbish bin and another design commissioned, it appears to have acquired a momentum of its own - as though it were the only game in town.

If this design Application does not achieve Consent - which in our opinion it certainly should not - what are the alternatives? Not to build the 4th slip-road? Commission another design from another contractor, from HE/KCC’s own in-house professionals? If the second, given the inadequacy of the current design to accommodate large commercial vehicles, why has this process not been started already?”

11th October 2017 Email sent to the Wincheap Society on behalf of Matthew Balfour

“Dear Mr Osborne and Ms Bull

Please find below a continuation of our correspondence further to your email of 25 September.

A copy of the drawings that approved KCC and HE Stage 1 Safety Audit approvals are attached.

In combination, the Section 106 and Planning Consent Conditions establish sequencing for the roadworks whilst allowing the developer to acquire sufficient funds, necessary to construct the fourth slip. My last response referred to the condition allowing only 75 units to be occupied prior to the completion of this “London bound access”. The requirement within the Section 106 ensures that the fourth slip should be built

prior to the 449th dwelling being occupied. Having acquired Stage 1 Safety approval from both KCC and HE for it, it should be expected that construction would commence on the London bound slip fairly promptly. The fact that this progress has been made in advance of any planning application for the fourth slip being made, would I hope alleviate your further concerns.

In respect of the public consultation on changes to designs that may be made through a construction contract, this would be a matter of consideration for Canterbury City Council. Both KCC and HE would need to approve any changes affecting their element of the highway. The planning authority would then need to determine whether those changes were material; and therefore require public consultation or non-material changes; that do not require public consultation.

The A2/A28 Fourth Slip Road

The County Council is not in a position to commit resources to obligations required by developers at will. Should the developers' application not receive approval it will be in their interest to submit one that does.

I hope that the above addresses your latest concerns. I would also like to thank you for contacting the Council."

12. Transfer of land by CCC to Highways England and KCC for the purpose of constructing the 4th slip road

October 2017

4th October 2017 Meeting of the [CCC] Policy and Resources Committee 4 Oct 2017 Land issues 4th Off-Slip Road Wincheap' Points relating to Land transfer debate

Presentations by Nick Eden-Green, Barney Parsons and Graham Page to the Committee at the meeting.

Nick Eden-Green, Ward Councillor, Wincheap Ward.

I am not against this 4th slip road in principle. I welcome the idea. However, this is a plan drawn up by the developer. It is for discussion. It is not a KCC or a CCC or a Highways England plan.

There are two main issues:

First, is it sensible or safe? It proposes to bring trunk road through traffic round 2 hairpin bends into a retail estate full of shoppers and children.

The slip road has a shorter than normal deceleration lane culminating in a hairpin.

There is no provision for cyclists. Cyclists are discouraged in the safety audit specifically against our transport strategy to encourage cycling.

There are no proper arrangements for pedestrians.

Frankly I have never seen a slip road like this off what is effectively a motorway. It's incredible.

My second concern is what it doesn't show. What happens to the traffic?

Currently it comes off at Harbledown along a purpose built largely dual carriageway road with no houses on it. It is true that Ashford bound traffic won't turn right at the Wincheap roundabout. But that is a purpose built roundabout. This proposes using a spur road onto a retail estate which already has traffic queuing at a junction currently boasting 54 traffic light poles and over 100 traffic lights.

There is nothing in this plan for a Wincheap relief road or where the relief road joins the ring road.

There is nothing in this plan for a new p&r to replace the spaces lost to this slip road or for the new much bigger park and ride needed to take the traffic from London as promised in the transport strategy.

There is nothing in this plan about routes for pedestrians and cyclists or for new allotments which will be lost to the p&r or the new traffic lights at St Nicholas Road which will affect this junction.

There is nothing in this plan showing details of the new traffic light sequencing that will be needed to ensure traffic doesn't back up onto the A2.

There is nothing in this plan showing the proposed two way version of the off slip road from Dover which will access the 1150 houses at Thanington with all the new junction changes needed including a new right turn lane.

No plans, neither this one, nor any others have been produced to show solutions to these questions which we must answer before we gift any land.

We must have a masterplan first because this proposal as it stands will utterly gum up Wincheap which is arguably our most polluted residential road. A plan that is safe, viable and comprehensive. One that shows how we will deal with the traffic. We need this BEFORE we gift any land to KCC, Highways England, the developer or anybody else.

This plan is premature. We need a masterplan first. Then detailed plans like this afterwards. The cart is before the horse or the artichoke before the pedestrian.

Please do not resolve this item.

Barney Parsons, representing the Wincheap Society.

May I thank you for giving me the opportunity to comment on Agenda item 8. I appreciate that land transfer is a technical legal process and thus I have no comment on the eventual need to invoke land transfer procedures. However, the Wincheap Society would like to raise some concerns relating to the impact of the current road layout design. This should be justifiable as the designs presented in the agenda documents are dated 19th October and any comment, I presume, will relate to the most up to date thinking by the council.

The 4th off-slip road is a generally desirable economic development and should make access to the city more convenient, especially if it encourages visitors to use the Wincheap Park and Ride.

The designs presented in the agenda documents are “stand alone” and careful consideration must be given to how they relate to other potential nearby road developments, most notably the more controversial junctions proposed for the Thanington Park development.

According to the current plans for the slip road, traffic leaving the A2 to reach the city will need to take a very circuitous route involving a sharp single lane 150 degree turn at the end of the slip road, followed by a U-turn at a roundabout before eventually reaching a traffic-light controlled road junction with the A28. Can this really be the best design solution available for a slip road off a major trunk route?

This road junction with the A28 is often prone to tailbacks as it has to cope with traffic from the Retail Park and industrial estate. If traffic lights are adjusted to allow better flow off the junction, this could further add to congestion on Wincheap itself with consequent negative economic, social and environmental impact to the area. If traffic is encouraged to go through the industrial estate to reach the city, the bottleneck at the end of Simmons Road will worsen.

The Wincheap Society is concerned that a result of allowing land transfer to go ahead at this time, the Council becomes “locked in” to a particular problematic design for the slip road.

A more integrated traffic management approach taking into account the needs of Wincheap and the city as a whole is needed. A city like Canterbury does of course have some restraints when managing its motorised traffic. But Wincheap needs a well thought out traffic plan which copes with the increased traffic flow consequential to the construction of this off-slip road.

So, in view of the problematic plans presented for this slip road, the Wincheap Society urges the Committee **not** to gift any land at this juncture. The appropriate time to consider gifting land is when integrated plans for all road junctions in the nearby area have been approved by Highways England and it is clear exactly what land is required to make a viable, safe slip road.

Graham Page, representing Thanington Without Parish Council

The item proposes that CCC gives land to KCC/Highways England for the 4th slip road, Wincheap. It is essential that other improvements are put in place before the slip road. This proposal is therefore premature.

January 2016 saw planning consent for 750 dwellings at Thanington Park. Thanington Without Parish Council was extremely unhappy with the lack of clarity on a number of issues:

1. How the A2/A28 junction could be reconfigured to cope with site access.
2. How 2 -way access slip road could be designed and built, and traffic impact.
3. How 4th slip road would impact on junction and wider road network.
4. Expected traffic increase resulting from 9000 dwellings in the proposed local plan in the southern city sector, impact on ring road and A28.

There must be a comprehensive overall plan showing the 4th slip road, 2-way access slip road to site, Wincheap relief road and its junction onto the ring road, including necessary remodelling of the ring road, new park and ride, and details of A2/A28 junction revisions. Independent assessment of traffic impact is vital, including pollution levels caused by these major changes in the increase of dwellings and cars in southern Canterbury. You can't consider the 4th slip road in isolation, given other proposed changes.

Why the 180 degree two lane bends on an off-slip road into a retail estate? A pedestrian crossing on a slip road - an accident waiting to happen! Traffic exiting A2, Ashford bound, will need to negotiate 3 pedestrian crossings, 4 sets of traffic lights, and retail estate shoppers.

Traffic exiting A2 city bound, may have to go up Simmonds Road, trying to turn left at the Maiden's Head public house onto Wincheap, or will it?. Already notorious for traffic jams.

Traffic exiting A2 must be given priority to stop it backing onto the motorway, longer A28 delays, red lights, pollution levels on Wincheap regularly exceed national levels -a disgrace!

The Inspector's June 2017 report on the Canterbury Local Plan states in para 200: "Development at Thanington, which is adjacent to the A2/A28 interchange at Wincheap, would have implications for the A28

Wincheap corridor where there are existing traffic issues. The Council has proposed a series of measures to address these.
This clearly has not happened!"

[The Policy and Resources Committee approved the transfer.](#)

13. Nick Eden-Green tries to coordinate plans for north and south of the A28

London-bound A2-off slip Stage 1 Safety Audit, Comments by the Wincheap Society, October 2017 posted on wincheapcampaigns.wordpress.com.

17th October 2017 Nick Eden-Green emails to Kevin Bown, Highways England, the Wincheap Society's comments on the **London-bound A2-off slip Stage 1 Safety Audit**.

"Dear Mr Bown,

I hope it is in order to forward these plans and comments from the Wincheap Society website. They very much summarise the messages I have been getting as a Ward Cllr about the lack of joined up thinking re the 4th slip road and the proposed 2 way northbound off slip. This joined up thinking is necessary if one is to consider how the A2/A28 junction is to function.

In particular there are no plans, nor apparently any finance for, an enlarged Park and Ride, a Wincheap relief road, its junction onto the ring road etc. Necessary measures before the new slip road arrangements are commenced."

17th October 2017 Nick Eden-Green emails Austin Mackie CCC re the Wincheap Society's comments on the **London-bound A2-off slip Stage 1 Safety Audit**:

"Dear Austin, I thought it might be useful if I drew your attention to these comments from the Wincheap Society website in case you hadn't seen them.

They very much summarise comments I have had from other residents about the apparent lack of joined up thinking over the A2/A28 junction.

There remains what appears to be a void in information on the enlarged Park & Ride, Wincheap relief road, its junction onto the ring road etc. All of this surely needs completion before new traffic is added to our most polluted section of road.

I hope to get in sometime soon to have a proper look at the Quinn plans, how they relate to the Pentland site and in turn to the A28."

24th October 2017 Nick Eden-Green emails Ruth Goudie CCC:

"Dear Ruth, Thank you for your time on Thursday.

I have thought about your plan for the possible Wincheap relief road and the other points we touched on.

I am more than ever convinced that there needs to be a comprehensive plan covering the new slip road, the altered off slip road/site access road, the A2/A28 junction, P&R, relief road etc

I continue to have grave reservations about the practicability and safety of the 4th slip road. I happened to go to Morrison's on Saturday. Considerable queuing to exit from their car park. Right turning traffic onto the A28 up Ten Perch Road queuing and blocking the CP exit etc. I cannot see how the volume of traffic from a new on slip road bringing traffic into Wincheap can be accommodated unless there is a relief road in place.

We did not discuss the two way slip road accessing the Thanington Park site, nor the Quinn access proposal.

However, what is crystal clear to me is that one has to work backwards through the congestion problem which starts at the ring road. This means a clear order of priorities

- 1 junction of Wincheap/Wincheap bypass onto ring road
- 2 Wincheap bypass
3. Enhanced P&R
- 4 4th slip road

To consider building other than in that order is folly!

If your idea for the relief road is to be considered then you have to think of the current left turn from Simmonds Road into Wincheap city bound. Large vehicles cannot manage this.

The P&R would need to be 1200 places if the ?2006? plans for a 600 Place P&R at Harbledown are considered. Wincheap P&R is currently often full. With overall traffic increases in the last 12 years 1200 places seems necessary, not 850. Even this takes no account of the 1200 new houses in Wincheap/Thanington which are not even considered in the unrevised Transport Plan.

It's a matter of getting the priorities right, then having a comprehensive plan which considers the affect of each change on each other.

I look forward to our next meeting."

30th October 2017 Austin Mackie CCC emails Nick Eden-Green:

"Hi Nick, RE 00519 - Thanington North

I am not around Friday (moving house) but will have all of the information made available for you to view

On the Pentland site (Thanington South), detailed designs for the site access points were approved at the outline application stage and the general structure of internal routes were set out within the approved parameter plans.

We were recently advised by Pentland that they have no plans to amend any the approved site access points.

I will ensure that the approved plans are made available.

On the Quinn site, the application is again in outline. There are parameter plans that show the vehicular access points, generic vehicular routes and pedestrian and cycle networks, but the detailed design is to be reserved for future approval.

We recently re-consulted on fresh responses to queries raised on their environmental statement, which included transport matters - I will check to see if there is anything in there that you might want to look at.

The applicant has also submitted updated parameter plans, but these do not change any access matters. We will be re-consulting on these and updated archaeology response which we expect to receive very shortly."

November 2017

3rd November 2017 Nick Eden-Green emails Austin Mackie CCC:

"Many thanks Austin, I've returned to plans to where I found them.

Most enlightening! Could I please have a further word at your convenience? I have severe reservations about the overall approach. Lack of connectivity between the two sites, access to the Quinn site, lack of consideration of garden city/garden suburb ideas as per the local plan, use of Cockering/Strangers/St Nicholas for access, parking, absence of comprehensive plan for A2/A28 junction incl P&R relief road etc, sustainable/eco homes standards, community facilities and their location etc

I had a series of meetings with both developers (Cath Wallen knows - they were all public meetings!) but virtually all the promises made have been ignored."

14. Further proposals for development on Cockerling Road Quinn Estates Ltd's 400 houses, and a nursing home

3rd October 2017 CA/17/00519 | Outline application by Quinn Estates Ltd for a mixed use development comprising up to 400 dwellings in a mix of sizes, types and tenures Land at and adjacent to Cockerling Farm, Thanington Without. Validated

14th November 2017 Nick Eden-Green emails Austin Mackie CCC:

“Dear Austin, I had meetings last night with both Thanington Parish Council and the Wincheap Society.

At the parish council meeting there was a presentation from the developer considering a nursing home on Cockerling Road opposite Manor Close.

As well as ongoing concerns and lack of information on the matters listed in my earlier email, the connectivity between the two sites and thus their overall layout seems to be an overriding factor.

When this site was considered as an additional site to the local Plan it was considered as one site with all the benefits of garden city principles, community facilities and a carefully thought through master plan. The site was also to be accessed from the new two way off slip from Dover.

Could we please meet and discuss these issues?”

14th November 2017 Austin Mackie CCC emails Nick Eden-Green:

“Thanks Nick, Who presented, Pentland or Quinn?

On the latest Pentland scheme that I have, the nursing home is in the SE corner of their site?

By coincidence, I had a catch up with Quinn's team yesterday and mentioned your previous comments about there being no obvious 'joined-up' access strategy.

On the Quinn scheme currently before us, as you will have seen, they have a spine road leading from the proposed new access midway up Milton Manor Road, across their land to the SE corner of their site where it faces across Cockerling Road towards Pentland.

However, at this point there are existing buildings and third party land - so no lets say 'seamless' connection between the two is possible and parts of the eastern section of Cockerling Road will then connect the Quinn site through a small loop within Pentland to the to the new A2 slip access/egress.

Further, as the Pentland access points are approved and fixed as part of their outline permission, there is no scope to insist upon these being changed unless they were willing to re-apply.

Further, as the only point where the two sites face across Cockerling Road is close to ancient Woodland, it is highly likely that a link road connecting at this position would be opposed on environmental grounds.

I am happy for you to come in and talk through your concerns. I assume that your desire/s are:

- traffic from both sites accessing or leaving the A2 use the slip / access within the Pentland site, rather than looping round from the A28
- that the volume of traffic from both sites that might seek to use, for example, Strangers and St Nicholas is limited
- that 'Ashford bound' traffic from both sites accesses the A28 no farther east than the Milton Manor Roundabout and that in doing so, it does not add to congestion in that location.

If you would like to correct / add to the list, I can request that PBA, the highway consultant for both developers, come in and explain how in practice traffic flows can be managed and what further localised management can be put in place. I can ask our own highway officer to attend.

I am around most of the week.”

14th November 2017 Nick Eden-Green emails Austin Mackie CCC:

“Dear Austin, Thank you. The proposed nursing home is for 64 en suite beds and was presented by Gillings Planning Consultants on behalf of Frontier. Frankly I had heard of neither and was unaware of the presentation prior to the meeting. I only stayed for the very beginning of the presentation as I had to move on to the Wincheap Soc. The site is located between the Pentland and Quinn sites but is apparently part of neither, being on Cockering Road immediately NE of the half dozen or so dwellings on the S side of Cockering pretty much facing Manor Close.

So it was neither Pentland nor Quinn.

Essentially my concern on the Pentland and Quinn sites tracks back to the objections voiced over the last 20 years. Access problems. This was why this site was originally discounted from the local plan. When the inspector sought additional sites to meet the 5 year supply it was added. It was considered as a single site and it was deemed that the access problem had been answered by the 2 way off slip from Dover.

All historic attempts to access the site via Hollow Lane and or Strangers and or St Nicholas were consistently rejected as unsuitable. I have real concerns that access to and from Canterbury to the Quinn site will use Cockering/St Nicholas/Strangers as will traffic to the western side of the Pentland site. These accesses have always been deemed unsuitable.

These concerns are compounded by the idea of separate disjointed housing estates without coherent access to community facilities. This is particularly important given the sad but improving history of the Thanington estate. This is just basic community planning which the workshop at Howfield Manor went into in some detail but which appears to have been subsequently disregarded by the later presentation made by Pentland.

There are all sorts of other issues, some raised by Kent Design over parking, play area location, walking/cycling desire lines. Others, environmental, raised at meetings with the developers over simple things like S facing roofs to allow solar panels.

I have a meeting on Tuesday 21 with Ruth Goudie to try to bottom out a comprehensive plan for the A2/A28 junction plus the P&R, relief road etc because the detailed plans for each slip road take no account of each other and there appears to be no information on matters like prioritising traffic exiting the A2 and the consequent effect on the A 28.

I don't know where PBA come in on all this. I have met with them before but, given the way they were dissected by Bruce Bamber in his report, I'm not sure I believe them. So I'm not sure how useful they would be. However, I think it might help if Gillian Bull, who is a Committee member of the Wincheap Society and who has put together various reports on their website, could attend with me.

I too am pretty free next week except Tuesday and Friday. Would Wednesday afternoon be possible for you around 2.30?

Sorry for the long email.”

15. Wincheap Society & Cllr Nick Eden-Green: meetings and correspondence with Canterbury City Council

November 2017

Comments for Ruth Goudie and Austin Mackie, CCC, following a meeting on 22nd November 2017 with Nick Eden-Green Wincheap Ward councillor and Gillian Bull of the Wincheap Society. This document can be viewed on wincheapcampaigns.wordpress.com.

24th November 2017 CA/17/02718, Pentland Properties Ltd, **Hybrid application** for mixed-use development of land bounded by Cocking Road and the A2 Dover Road. Validated. (Decision not yet available.)

December 2017

11th December 2017 Gillian Bull, Wincheap Society, emails Ruth Goudie and Austin Mackie of CCC:

“Dear Ms Goudie and Mr Mackie,

Thank you for your time and attention at the meeting with Nick Eden-Green and myself on 22nd November.

I greatly appreciated Ms Goudie’s undertaking to let us have Pentland’s pedestrian safety reports, and assume that she has got yet been provided with them.

After dismissive responses from KCC, and none hitherto from Canterbury CC, on the issues raised by the Wincheap Society in the reports we prepared and sent to them (among others) it was a relief to have a courteous face-to-face discussion.

However, although it was informative to have your views on the A2/A28 proposed plans and the timetabling for them, it was also depressing. It seems that pressure from developers and from KCC is forcing CCC to deviate from its duty of care to residents, in regard both to pollution levels and road safety.

I provide a summary of our continuing concerns in the attached document.”

12th December 2017 Ruth Goudie of CCC provides Gillian Bull, Wincheap Society, with **Thanington 4th Arm Slip Road, Walking, Cycling & Horse-Riding Assessment & Review Report** October 2017

The Wincheap Society’s comments on, and objections to CA/17/02718 (“Hybrid application”)

- Letter dated 30 December 2017
 - Comments for CCC Planning website
- Both documents posted on CCC’s Planning website, 3 January 2017, under documents”, and also available on wincheapcampaigns.wordpress.com.

January 2018

1st January 2018 Gillian Bull, Wincheap Society, emails Austin Mackie CCC:

“Dear Mr Mackie, I attach soft copies (in Word and PDF formats) of two documents, a letter and a Comments document, from the Wincheap Society: in respect of CA/17/02718. We appreciate that these may be slightly out of time for presentation, but in view of the intervening holiday period we hope that you will accept them.

Hard copies of both documents will be put into the post tomorrow, 2nd January.”

4th January 2018 Austin Mackie CCC emails Gillian Bull, Wincheap Society:

"Gillian, Thanks for the Comments.

As an update, both KCC and ourselves have expressed our concerns to Pentland about the piecemeal approach that this hybrid application represented, for example, queries as to whether the outline and hybrid could be implemented together and whether we would still have certainty in respect of previously agreed mitigation.

As a result, Pentland have indicated that they are likely to put the hybrid application on hold and instead, submit a s73 application for any necessary variations to the original outline permission.

The s73 would not permit any increase in the size of the development, but would allow the switch of land uses in the northern area that they seek.

I have a meeting with Pentland this afternoon to review the scope of any forthcoming submission and will be advising them to have regard to comments submitted in relation to the hybrid.

I will keep you updated."

5th January 2017 Gillian Bull, Wincheap Society, emails Austin Mackie CCC:

"Thanks, Austin, I ... Interesting to learn of KCC's and CCC's concerns vis-a-vis Pentland, but I'm not sure whether these concerns overlap in any way with ours."

CA/17/02911 Construction arrangements document (1 of 5) shows St Nicholas Road as the main route to the Thanington Park site for construction traffic. Also timetable for works to commence, including the contra-flow slip road.

CA/17/02910 Road plan layout for phase 1

(CA/1702912 and CA/18/00011 also of interest)

9th January 2018 Gillian Bull, Wincheap Society, emails to Ruth Goudie CCC a Review by the Wincheap Society, January 2018, of: **Thanington 4th Arm Slip Road, Walking, Cycling & Horse-Riding Assessment & Review Report** October 2017, This document is available on wincheapcampaigns.wordpress.com

10th January 2018 Nick Eden-Green emails Austin Mackie CCC:

"Application 17/02911 Pentland Thanington

Dear Austin, My attention has been drawn to the above. Obviously have to be careful not to predetermine this application but would draw your attention to the following

1. Access to this site has been recognised as problematic for the last 20 plus years causing past planning applications to have been consistently rejected. The site was rejected in the Local Plan on access grounds. It was subsequently included as an additional site following the inspectors guidance on 5 year supply.
2. It was included in the Local Plan on the basis that the access problem was to be solved from the A28 via a 2 way section of the NW bound A2 slip road.
3. It has always been recognised that Cockering Road, St Nicholas Road and Strangers Lane are unsuitable as access roads. Indeed, I think there is a strong case for restricting these accesses to pedestrian, cycle and public transport only.
4. The construction management plan in 17/02911 makes no mention of the construction of the main two way slip road access in the key dates table on p7. Should it not do so? There are no plans showing this at any point.
5. Should not the site access road be constructed first, as was envisaged at the outset and promised by Pentland to Residents at the various premeetings they organised?

6. The parking and site office plans on p26 are not clear. Nor are they clear on p38 where the main site access slip road is not shown and the temporary site office appears to conflict with this.

7. We have some recent local history with Pentland relating to site management at their Hollow Lane site. Despite promising that access would be via Homersham, they have consistently used the wholly unsuitable access via Hollow Lane. I have spoken to the site manager personally following residents' complaints and he says he tries to tell contractors not to use it but to no avail. They are powerless to enforce. Similarly contractors vehicles are consistently parked in Hollow Lane which is wholly unsuitable and also adjacent to the primary school. Thus how can we be reassured about the management of the Thanington site?

8. 17/02911 appears to assume that St Nicholas Road will be the main site access for an unstated period. If this is so, it will become, by force of use, the permanent main site access. I think you would recognise that this is not acceptable.

I would be grateful if you could consider these points.”

10th January 2018 Thanington Without Parish Council's Comment on Planning Application CA/17/02911:

“We would recommend refusal on the following grounds and would speak at meeting.

Why after 20 years of refusing applications for this site due to access are Canterbury City Council now suddenly of the opinion that it is OK for access to pass through an unappropriated residential road. (St Nicholas Road)?

Why is the A2 slip road from Dover not being modified to allow access before work can commence on this site.

The Railton Transport and Highways Review carried out on behalf of Thanington Without Parish Council comes up with numerous relevant points, one of which is shown below.

2.16 It should be noted that the TA and TA Addendum also fail to present any source data underlying the calculation of the distribution of non-residential traffic movements. There is therefore the possibility that the non-residential elements of the development will also generate more new traffic moves on Wincheap, thus exacerbating the under-estimate of adverse impact on Wincheap.

This also shows what dramatic effect the extra works traffic will cause to the residents of St Nicholas Road. If this proposal is allowed to continue the Canterbury City Council will be failing in their duty of care to residents of the City.

Local authorities are bound by statute. Their functions are set out in numerous Acts of Parliament and many of these functions have associated legal duties.

We would ask the City Planners that they ensure that their duty of care to the residents of St Nicholas Road is respected by ensuring that the A2 access to the Thanington Park Site is fully completed prior to any works being commenced on this development.”

31st January 2018 CA//18/00235 Construction of a new eastbound (coastbound) A2 off slip, associated reconfiguration of both Ten Perch Road and the Ten Perch Road/A28 junction, modified footpath/cycle routes, ground re-profiling, lighting, surface water attenuation features and landscaping. PPL's Application registered.

16. The Notification

January/February 2018

22nd/23rd January 2018 Four Residents' Associations and Wincheap Ward Councillor Charlotte MacCaul sign a Notification letter which is posted and emailed to Highways England, KCC and CCC.

This document is available on www.winsoc.org.uk and wincheapcampaigns.wordpress.com.

23rd January 2018 Kevin Bown of **Highways England** emails Gillian Bull, Wincheap Society:

"Dear Ms Bull, I acknowledge receipt of the attached email notification regarding the input into and requirements thereto (or not) of Highways England, Kent County Council Highways and Canterbury City Council in connection with the following planning permissions/ current applications:

CA/14/02891, Pentland Homes Ltd
CA/15/01479, Pentland Properties Ltd
CA/17/00519, Quinn Estates Ltd
CA/17/02718, Pentland Properties Ltd

Your notification will be registered as Stage 1 Complaint.

We will respond to it within the 21 calendar day period allowed for under our Operating Licence; ie you should hear from us no later than 13 February 2018.

The investigation will be led by the Spatial Planning Team Leader, Paul Harwood. Any future correspondence on this matter should be forwarded to Paul Harwood, copied to Planning SE planningse@highwaysengland.co.uk.

Given that Kent and Canterbury are copied in to your original email, I have also copied this response to them."

23rd January 2018 Gillian Bull emails Kevin Bown and Paul Harwood HE:

"Thank you for this acknowledgement. Please address any future correspondence on this issue to Roger Cheeseworth, as indicated on the Notification letter."

25th January 2018 Victoria Ford of **KCC** emails Roger Cheeseworth:

"Dear Mr Cheeseworth, "Thank you for your letter dated 22 January and email to Mike Whiting. We are looking into the issues you have raised, and Mr Whiting's response will be sent to you in due course."

1st February 2018 **CCC** makes no response to the Notification letter dated 22nd January, but does contribute an aggressive/defensive comment to the KM Gazette, Canterbury edition,

6th February 2018 Mike Whiting of **KCC** writes to Roger Cheeseworth of TWPC:

"Dear Mr Cheeseworth,
The County Council acknowledges receipt of your notification served upon us on 22 January 2018. As you will no doubt be aware, planning applications are decided by Canterbury City Council with Kent County Council being a consultee. For each application we assess it within the planning guidance and policy and make representations to the planning committee when we believe changes need to be made. The Pentland and Quinn applications for the allocated sites at Thanington have been independently scrutinised by the County Council with responses and evaluation made publicly available through the planning portal.

An application for the fourth slip is expected to be submitted with the next few weeks and once again the County Council will independently evaluate it and make an appropriate policy compliant response.

I am aware that my predecessor, Mr Balfour, has already responded on behalf of the County Council on numerous occasions to reports and representations made by the signatories of this notification. I trust that you find this response useful however please do not hesitate to contact me if I can be of any further assistance.”

17. Two Representatives of the People

Nick Eden-Green is one of two Canterbury City Councillors for Wincheap Ward (which includes Thanington Without), and is also sits on the CCC Planning Committee.

Michael Northey is Kent County Council District Councillor for Canterbury South, which includes about two-thirds of Wincheap east of the A2 and all of Thanington Without.

July 2017

15th July 2017 Gillian Bull, Wincheap Society, emails Michael Northey who, when attending the Wincheap Society AGM, had told her that he didn't know about the Quinn Application, and without a map couldn't grasp where it was located:

"Dear Michael, Good to meet you yesterday evening at the WinSoc AGM.

FYI I attach Quinn Estates Ltd's plans for the area north of Cockerling Road and the A28 Thanington Road. Two or three years ago Quinn and Pentland made a joint application for this together with the area south of Cockerling Road. They then appear to have had a falling out. Pentland went ahead and got Consent for 750 houses in "Thanington Park", and Quinn put in for 400 houses later. I'm not sure whether his Application is still pending or has Consent, but its in the wretched Local Plan regardless, along with Thanington Park to bring the numbers up, one assumes.

Issues of access to each of these sites remain to be addressed, but Pentland at least has KCC and CCC over a barrel, now that KCC has secured £4.4 million from central government and needs an equivalent amount from the developers to build the 4th A2 slip road. Pentland won't provide these funds until about 400 houses have been built, and so consent to whatever they produce by way of plans for access to Thanington Park must be provided long before the 4th slip road starts construction. Any consent to interference with the A2 and A28 junctions has to come from Highways England. CCC's Consent to TP makes a reference to Highways England having set conditions before any Works commence, but these conditions are not reproduced in the Consent (although KCC's are). However, I have copies of Highways England's preliminary letters and letter containing its requirements which were posted on the Application site, and can forward them to you, if you wish.

So, there is a "reverse dominos" effect - instead of sorting out the pinch-point at the western end of Wincheap, then the gyratory road system (or whatever) through the industrial park, then the park and ride, then the 4th slip road, and then access and exit points for the new developments, everything will go in the opposite order. Life in Thanington and along Wincheap will not be good."

August 2017

3rd-7th August 2017 Emails between Nick Eden-Green and Michael Northey:

3rd August Nick Eden-Green to Michael Northey

"Dear Michael, You will have seen my last letter to Mr Finch. He studiously avoids answering the two key questions

1. How can KCC make a cabinet member decision without an accurate plan?
2. How can KCC continue to support this idea when no practical solutions have been offered to the multiple problems raised by the access to the development, the 4th slip road, the lack of a funded park and ride or the entry onto the ring road etc, etc?

Planning consent for 750 dwellings was granted 18 months ago. Still no proper plans from the developer on access or road junctions. An application for a further 400 is imminent.

How can any of this be allowed to proceed without first ensuring adequate and practical solutions are even feasible, let alone costed and financed?

This matter is being actively discussed by at least two residents associations and the more residents investigate it the more problems are being uncovered.

Can you please ask for answers to these questions, as expanded in my last two letters to Mr Finch. More evidence of lack of planning and ancillary problems of cycleways, pedestrian access, HGV access, junction layouts, traffic queuing etc is being produced by residents as we speak all of which highlights the need for some very urgent plans and solutions before any further commitments are made.

To be blunt, I personally think these are intractable problems which cannot be solved. If I am right then we must halt this crazy scheme before any further commitments are made. If I am wrong, then prove it with some plans.

I would be happy to meet and discuss this in more detail if you wish, preferably together with some concerned residents”

3rd August 2017 Michael Northey to Nick Eden-Green:

Dear Nick, I have spoken with the KCC Cabinet Member about this matter. I will forward your email to him for his consideration. “

5th August 2017 Nick Eden-Green to Michael Northey:

“Thank you Michael, I had correspondence with Matthew Balfour over this issue previously. I understand that the answers I had, although signed off by him, were actually written by Sally Benge, and I suspect that he himself had no understanding of the issue. I fear that this is exactly what will happen with the new cabinet member.

KCC officers are quite determined to force this through and equally determined to turn a blind eye to any problems. This needs the active involvement of the decision makers who are the local councillors which is why Martin Vye was heavily involved.

I am not against the 4th slip road if we can be shown how it will work given the effect on the rest of the road system, junctions, P&R etc. Equally, access to the Thanington Park site needs to be resolved in detail.

This is not a matter of putting big bold arrows on maps but of showing in detail how right turn lanes can be accommodated, how longer red traffic light times will affect traffic flow, how cycle lanes will be integrated etc. Unless and until this work proves the practicability of either the slip road or Thanington Park, commitment to them should not be made.

At the moment officers have put the cart before the horse and I would ask that you, as the local member responsible, get the officers to demonstrate that effective solutions can be found before members sign up to a scheme that is impractical and undeliverable.

I, and other residents, are happy to brief you on this.”

7th August 2017, Michael Northey to Nick Eden-Green:

“Thanks. I have referred this again to Matthew Balfour. He is the one with the decision making ability, and is helped by his professional officers. He is well aware of all the issues.

It was your own Council which gave permission for the houses, so they will go ahead. It is the builder's responsibility to come up with a good road plan which KCC officers then comment and advise upon.”

7th August 2017, Nick Eden-Green to Michael Northey:

“Thanks Michael, If Matthew Balfour was the cabinet member who signed off the 4th slip was he aware that the plans for it were erroneous? How can a project like this be signed off without viable plans? All the emphasis is on the 4th slip road. It needs to be on the A28/ring road junction, the relief road and the P&R which must come first.

CCC granted consent (wrongly in my view and I voted against!) very much on KCC officer advice that viable traffic plans could be produced. Some 18 months on no plans have been produced and, quite frankly, anybody who knows the area thinks they cannot ever be produced without a radical solution which will cost a considerable amount of money.

This is in your division now and you are the responsible member for Highways which is why I ask you to intervene.”

7th August Michel Northey to Nick Eden-Green

“Thanks Nick, You will understand I come late to this table, and find the decisions made before my time. I have indeed been in touch with, and intervned with Matthew Balfour and Colin Finch. I do understand that concerns remain, but am in constant touch with Highways and the Cabinet Member to try to get the best available solution.

I think we are all aiming towards this. It is a difficult technical matter and opinions and resources may differ on the best way forward.”

October 2017

11th October 2017 Email exchange between Nick Eden-Green and Michale Northey

Nick Eden-Green emails Michael Northey:

“Dear Michael, There has been absolute silence from KCC since my last correspondence with them which I copied to you. You are doubtless aware from the Wincheap Society website and from past meetings of the parish council of the extreme local concern about these plans.

Frankly I find it insulting that nobody has seen fit to reply. More importantly, given the KCC and developer emphasis on the 4th sliproad and the site access, the critical issues of the Wincheap relief road and enlarged P&R seem to have been totally forgotten. How can one proceed with a new slip road from the A2 into the city without a plan on how to deal with the resultant traffic?

I look forward to hearing from you”

Michael Northey to Nick Eden-Green

“Dear Nick, Thanks but I believe that both Matthew Balfour and Colin Finch have been in constant correspondence with you. I have copied them in, to see if they can help you further. It may be that there is nothing which can be added at this stage.”

Nick Eden-Green to Michael Northey

“Michael. Scarcely constant correspondence! I raised points and asked for information on 23 August and on 15 September. Silence from you or anyone else.”

Michael Northey to Nick Eden-Green

“Nick, Thanks. I will have to leave this one to the experts, while noting the various worries. There is relentless rise in traffic everywhere, whatever one does, and maybe all we can work for is mitigations. But I am sure that Matthew and Colin will do what can be done.”

Nick Eden-Green to Michael Northey

“Sorry Michael, This is your division and your responsibility. What is being considered is introducing a new slip road off the A2 into Canterbury with no mitigation.”