



Report to the Secretary of State for Transport

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Date:

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**THE KENT COUNTY COUNCIL (MILTON CREEK BRIDGE) (No. 2) SCHEME
2007**

**THE KENT COUNTY COUNCIL (SITTINGBOURNE NORTHERN RELIEF ROAD
CLASSIFIED ROAD) (No 2) (SIDE ROADS) ORDER 2007**

AND

**THE KENT COUNTY COUNCIL (SITTINGBOURNE NORTHERN RELIEF ROAD)
(No. 2) COMPULSORY PURCHASE ORDER 2007**

Dates of Inquiry: 8 July 2008 to 18 July 2008

Order references: DN5062/55/9/6, DN5062/55/7/57 and DN5062/60/1/81.

TABLE OF CONTENTS

	Page
Case Details	1
1 Preamble	2
2 Description Of The Site And Its Surroundings	3
3 Legal And Procedural Matters	
3.1 <i>Medway Yachting Association</i>	5
4 The Case For The Kent County Council	
4.1 <i>Need For The Sittingbourne Northern Relief Road</i>	7
4.2 <i>Policy Context</i>	8
4.3 <i>Project History and Implementation</i>	9
4.4 <i>Description of the Proposals</i>	11
4.5 <i>Traffic and Economic Assessment</i>	15
4.6 <i>Ecology</i>	16
4.7 <i>Landscape, Townscape and Visual Effects</i>	18
4.8 <i>Noise and Vibration</i>	19
4.9 <i>Air Quality</i>	20
4.10 <i>Cultural Heritage</i>	20
4.11 <i>Navigation</i>	21
5 The Cases For The Supporters	
5.1 <i>Introduction</i>	26
5.2 <i>Additional Matters Raised In Written Representations</i>	26
6 The Cases For The Objectors	
6.1 <i>Hoo Ness Yacht Club</i>	28
6.2 <i>Mr G V Lilley</i>	29
6.3 <i>Dolphin Yard Sailing Barge Museum Trust</i>	30
6.4 <i>Mr Clive Reader</i>	31
6.5 <i>Sittingbourne and Milton Regis Sea Cadet Corps</i>	31
6.6 <i>Topbond plc</i>	33
6.7 <i>Medway Yachting Association</i>	34
6.8 <i>Mr P J MacDonald</i>	38
6.9 <i>Additional Matters Raised In Written Representations</i>	39
7 The Response Of The Kent County Council	
7.1 <i>Response to Hoo Ness Yacht Club</i>	40
7.2 <i>Response to Mr G V Lilley</i>	40
7.3 <i>Response to Dolphin Yard Sailing Barge Museum Trust</i>	41

7.4	<i>Response to Mr Clive Reader</i>	41
7.5	<i>Response to Sittingbourne and Milton Regis Sea Cadet Corps</i>	41
7.6	<i>Response to Topbond plc</i>	42
7.7	<i>Response to Medway Yachting Association</i>	43
7.8	<i>Response to Mr P J MacDonald</i>	44
7.9	<i>Response to Additional Matters Raised In Written Representations</i>	45
8	Conclusions	
8.1	<i>General Matters</i>	46
8.2	<i>Representations Regarding The Principle Of The Project</i>	46
8.3	<i>Objections To The Bridge Scheme</i>	48
8.4	<i>Conclusions On The Orders And The Bridge Scheme</i>	57
9	Recommendations	60
	Appendices	
1	<i>Appearances</i>	61
2	<i>Inquiry Documents</i>	63

GLOSSARY

DCLG	Department for Communities and Local Government
DEFRA	Department for Environment, Food and Rural Affairs
DMRB	Design Manual for Roads and Bridges
MHWS	Mean High Water Spring (tide)
pcu	Passenger car unit, a measure of traffic flow
Ramsar sites	Wetlands of international importance designated under the Ramsar Convention
RPG, RSS	Regional Planning Guidance and the more recent Regional Spatial Strategy
SNRR	Sittingbourne Northern Relief Road
SSSI	Site of Special Scientific Interest
TAG	Transport Analysis Guidance

CASE DETAILS**1 Purpose**

The Orders and the Bridge Scheme would allow the construction of a new road between Ridham Avenue and Castle Road in the Borough of Swale, in Kent. The Bridge Scheme would allow the construction of a bridge over the navigable water known as Milton Creek, as part of the new road.

2 The Side Roads Order

- This Order is made under sections 14 and 125 of the Highways Act 1980 and is known as The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (No. 2) (Side Roads) Order 2007.
- The Kent County Council submitted the Order for confirmation to the Secretary of State for Transport.
- The Order is dated 20 December 2007.
- The Side Roads Order, if confirmed by the Secretary of State, would authorise the improvement, stopping up and construction of highways, and the stopping up and provision of private means of access as identified in the Schedule to the Order.

Summary of Recommendation: That the Order be confirmed.

3 The Compulsory Purchase Order

- This Order is made under sections 239, 240, 246 and 250 of the Highways Act 1980, as extended and supplemented by section 250 of that Act and incorporated with parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 and is known as The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007.
- The Kent County Council submitted the Order for confirmation to the Secretary of State for Transport.
- The Order is dated 20 December 2007.
- The Compulsory Purchase Order, if confirmed by the Secretary of State, would authorise the Kent County Council compulsorily to acquire the land and rights described in the Schedules to the Order in connection with the road works and associated works and operations needed for the new road, including the necessary mitigation of the adverse effects associated with that road.

Summary of Recommendation: That the Order be confirmed.

4 The Bridge Scheme

- The Bridge Scheme is made under section 106(3) of the Highways Act 1980, and is known as The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007.
- The Kent County Council submitted the Bridge Scheme to the Secretary of State for Transport.
- The Bridge Scheme is dated 20 December 2007.
- The Bridge Scheme, if confirmed by the Secretary of State, would allow the construction of a bridge, of the form shown in the Scheme, over the navigable waters of Milton Creek, at the location shown in the Scheme.

Summary of Recommendation: That the Bridge Scheme be confirmed.

1 PREAMBLE

1.1 On 8 July 2008 I opened concurrent local public inquiries at Swale House, Sittingbourne to hear representations and objections regarding proposals by the Secretary of State for Transport to confirm Orders and a Bridge Scheme made by Kent County Council ("the County Council"). The inquiries (to which I will refer as "the Inquiry") sat for 7 days and closed on 18 July 2008.

1.2 Before and during the Inquiry I made unaccompanied visits to various locations which were the subject of representations to the Inquiry, and I made further visits accompanied by objectors and the promoters on the evening of 10 July 2008 and on the evening of 17 July 2008.

Purpose and Scale of the Proposals

1.3 The purpose of the proposal is to reduce traffic flows on various roads in Kemsley and Sittingbourne and to reduce journey times between parts of Sittingbourne and the main roads nearby. This would be achieved by building a new road. The new road would have a single carriageway and would follow a route from the Ridham Avenue roundabout at Kemsley, south and east to Milton Creek, which it would cross on a bridge, and then proceed to join Castle Road in Sittingbourne at an existing roundabout. The length of the new road would be some 1400 metres.

Numbers of Objectors and Supporters

1.4 At the start of the Inquiry there were 39 objectors and 31 supporters. The objections of Fletcher Challenge Forest Industries Ltd, M-Real UK Services Ltd, M-Real New Thames Ltd and Rexam Property Developments Ltd had been withdrawn before the Inquiry.

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- 1.5 Eight parties gave evidence at the Inquiry in objection to the Scheme. No party other than the promoter gave evidence at the Inquiry in support of the Scheme, although the promoter's case included evidence given by an officer of Swale Borough Council.

Main Reason for Objection

- 1.6 The main reason for objection to the proposed Orders and Bridge Scheme was that the proposed bridge would, in the view of objectors, be too low above the navigable waters of Milton Creek.

Scheme Alternatives

- 1.7 No alternative route for the road was proposed by any party, but there were representations that the new bridge should be either higher above the water than the Scheme would provide, or that it should be an opening bridge rather than a fixed bridge.

Statutory Formalities

- 1.8 The County Council confirmed that it had complied with all necessary statutory formalities.

Written Representations

- 1.9 In addition to submissions by those who appeared at the Inquiry, there were 62 written representations before the Inquiry. They include 31 statements of support and 31 objections.

Procedural and Legal Submissions

- 1.10 The Medway Yachting Association initially challenged the two Orders and the Bridge Scheme on the basis that, for various reasons, each was unsound. Section 3 of this report sets out the gist of those reasons. In examination, the Association withdrew each of those submissions. My conclusion on these matters is set out in paragraph 3.1.7.

Scope of this Report

- 1.11 This report contains a brief description of the site and its surroundings, a report of procedural matters raised at the Inquiry, the gist of the evidence presented and my conclusions and recommendations. Lists of Inquiry appearances and documents are attached. Proofs of evidence and other statements by the parties are identified; these may have been added to or otherwise extended at the Inquiry, either during examination in chief or cross examination.

2 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 Document CD177 shows the general location of the proposed road and bridge on a street map of Sittingbourne. Figure 8 of document KCC 2/2 (in CD137) illustrates the scheme more precisely in its narrower context. Document CD179 illustrates the maritime approach to Milton Creek, and

the Creek itself.

- 2.2 Sittingbourne is broadly "U" shaped in plan, with an arm of development reaching north on either side of Milton Creek and the middle of the town lying to the south of the head of the Creek. The A249 dual carriageway road from Maidstone to Sheppey passes along the western boundary of the town and the A2 London to Dover road passes east/west through the centre of the town, with a railway parallel to it at a short distance to the north. The former A2 route is now the High Street, also parallel to the railway and a little further south. Traffic management measures there discourage its use by through traffic. The A249 road crosses The Swale to reach Sheppey at King's Ferry, where there is a high-level road bridge and a lifting bridge that carries a road and a railway.
- 2.3 Europa Way (B2006) follows the railway on its northern side near the town centre, leading east into Castle Road which turns north to run through the Murston area of Sittingbourne, broadly parallel to and on the eastern side of the Creek, serving an industrial area for all of its length. To the west, Europa Way takes the traveller either via Mill Way (B2005) to Kemsley (in the north) and the A249 road north to Sheppey, or via St Paul's Street and Staplehurst Road (B2006) to a more southerly junction with the A249.
- 2.4 The Kemsley paper mill is a prominent building in the northern part of the town, to the west of the Creek. Residential development further south, and to the west of the Creek, is set back some distance from the Creek behind marshes and a former landfill site, now being reclaimed as part of a Country Park. The Sittingbourne and Kemsley Light Railway has its southern terminus in Sittingbourne and crosses the proposed Country Park, and the line of the proposed road, before reaching the railway's northern terminus at Kemsley Down, between the paper mill and the confluence of the Creek and The Swale.
- 2.5 The head of Milton Creek is a short distance north-west of Sittingbourne town centre. The Creek is some 4 km long and is aligned broadly south-west to north-east. It enters The Swale (an arm of the sea between the mainland of Kent and the Isle of Sheppey) opposite the south-western extremity of Sheppey. Public access to the creek side from the town is limited to a footpath along the north-western bank, northward from a point about 400 metres north-east from the head of the creek, and another on the eastern bank from Gas Road (a turning off Castle Road, about 1 kilometre north of Europa Way) which also turns to the north. My first accompanied site visit was made by water, from a marina at Conyer (a creek on The Swale a few kilometres east of Milton Creek) to the head of Milton Creek. The vessel was provided by Mr Pretty of the Medway Yachting Association, to whom I am grateful, and the promoter was represented. I noted that the creek side is largely open to the west and north but, after the first kilometre or thereabouts from The Swale, it is often confined by the backs of commercial premises on the east and south side of the Creek. At high tide the Creek is a sizeable body of water, but at low tide it reduces to a narrow stream (the "gut") between large areas of mud. That stream appeared to me to be fed from a

culvert that discharges into the head of the creek, and which continued to flow when I was there at low tide on my second accompanied visit.

- 2.6 A road of fairly recent date, Swale Way, connects the A249/B2005 junction (to the north-west of the town) with the paper mill, giving access to it from a roundabout near the pedestrian and cycle link between Swale Way and Ridham Avenue. The route of the proposed road descends from this roundabout across Kemsley Down to Kemsley Marshes, passing to the east of a flood protection bank that protects Recreation Way, Marsh Rise and other roads on the Church Milton housing estate. The route then crosses the Sittingbourne and Kemsley Light Railway and proceeds across the marsh to Milton Creek, which the new road would cross to enter a reserved corridor of vacant land between working premises (Topbond to the south, and Marshalls' brick factory to the north), at the eastern end of which is the northernmost roundabout on Castle Road. Castle Road leads from this roundabout south toward the town centre, through the Eurolink industrial estate, and another arm of the roundabout leads broadly east toward the East Hall Farm residential development site.

3 LEGAL AND PROCEDURAL MATTERS

3.1 Medway Yachting Association

- 3.1.1 Mr Nicholas Bullett appeared for the Medway Yachting Association ("the MYA") and raised various legal and procedural matters. The gist of each is reported here.

Side Roads Order

- 3.1.2 In the original submission of the MYA, the Side Roads Order (CD80A and CD81) was at fault in that it defines a length of highway as "classified road" whereas no relevant Road Classification Order had been made. Document CD180 was placed before the Inquiry by Kent County Council. It includes Declaration Number 355/SE/6K/2008, issued by the Department for Transport, which identifies among other things that the new road would be classified and numbered B2005. Mr Bullett withdrew that part of his evidence that made reference to the matter of classification of the new road.

Compulsory Purchase Order

- 3.1.3 In the original submission of the MYA, the Compulsory Purchase Order (CD83A and CD84) is invalid since it incorporates parcels of land needed for part of the proposed road that did not have planning permission when the Order was made. Mr Bullett accepted in examination that planning permission is not needed when a compulsory purchase order such as that before the Inquiry is made.
- 3.1.4 The MYA also contended that the Order is unsound since the land shown in plots 20, 21 and 22 are recorded at the Land Registry as unregistered, and since all tidal land below high water mark is the property of the Crown. But Mr Bullett accepted in examination that unregistered land is

commonly encountered in compulsory purchase orders, and provides no impediment. He also accepted that the creek bed, of which the plots in question form part, was vested in the Medway Ports Authority in October 1969 by virtue of the Medway Ports Reorganisation Scheme 1968, and that by further Orders the bed of Milton Creek passed to the Port of Sheerness Limited.

Bridge Scheme

- 3.1.5 In the original view of the MYA, the only mechanism whereby powers may be obtained to bridge over Milton Creek is by the use of consents obtained through maritime law. Section 110 of the Milton Creek Conservancy Act 1899 (Appendix 1 to Mr Bullett's proof of evidence (CD138)) requires the Admiralty to be consulted on any works below high-water mark, and that had not been done. In examination, Mr Bullett noted that in the 1899 Act the expression "Milton Creek" includes not only the Creek as it is now understood but also so much of The Swale as lies between imaginary lines drawn across The Swale to the east of Milton Creek and across The Swale at King's Ferry Bridge, which is to the west of Milton Creek. He noted too that section 110 of the 1899 Act requires that Admiralty approval is needed for works below high-water mark upon the bed or shores of that part of the River Swale which is included in Milton Creek as defined by the Act. He agreed that Admiralty approval is not needed in the case of the proposed bridge over the Creek since it would not involve works in The Swale.

Other Matters

- 3.1.6 Mr Bullett also referred to events at Kent County Council's Planning Applications Committee when it met on 13 May 2008 to consider (among other things) the road scheme. As I explained in opening the Inquiry, it is not for me to review the process by which planning permission was given for the proposed road.

Conclusion On Legal And Procedural Matters Put By The Medway Yachting Association

- 3.1.7 Whether or not the Secretary of State accepts the points relating to the Orders and the Scheme initially put by the MYA and reported here will depend on her view of the law and of the other matters identified. For my part, I find persuasive the acceptance by Mr Bullett of the points put to him in reply to each of the matters. It also seems to me that, in each instance, the points put to him in examination have merit to such a degree as to outweigh the arguments put by Mr Bullett even had he not withdrawn them himself.

4 THE CASE FOR THE KENT COUNTY COUNCIL

The material points were:

4.1 Need For The Sittingbourne Northern Relief Road

Traffic Conditions

- 4.1.1 Local traffic movements in and around Sittingbourne town centre are largely confined to the A2, the B2005 and the B2006. These serve industrial, retail and residential areas and are regularly congested, especially during peak hours. Much traffic must pass through the narrow corridor of roads between the High Street and the Creek, and long queues form at several junctions there. This causes delay and inconvenience to those who would use the roads, including private and business traffic, and encourages unsuitable volumes of traffic to divert onto residential roads. A large number of heavy lorries divert in that way.
- 4.1.2 The congestion also affects cyclists using the National Cycle Route 1 (which includes Eurolink Way and Castle Road) and bus passengers. The dedicated provision made in the highway for cyclists and for buses is limited and not continuous, and so they are held up by the general traffic congestion.

Regeneration

- 4.1.3 Although it is the largest town in Swale borough, with a population of around 42,000, Sittingbourne does not provide the range and quality of public and commercial services that might be expected. The presence of the railway and the Creek has hindered the integrated development of the town, causing it to grow in a piecemeal fashion rather than on a coherent sustainable basis. Although it has a successful industrial past, founded on brick making at the Creek, the town now suffers from the legacy of that past with brownfield and derelict sites in key locations, principally to the north of the Town Centre. Furthermore, many key sites in central locations have been developed in ways that are inefficient and wasteful of space. The existing transport network constrains development and, unless that constraint is removed, development can only ever continue in the same piecemeal way it has in the past.
- 4.1.4 In 2007, Swale was the second most deprived district in Kent. Nationally, its Index of Multiple Deprivation ranking has deteriorated from 130 (of 354) in 2004 to 116 (of 354) in 2007, with a rank of 1 being the most deprived. Four wards in the Borough were among the twenty most deprived in Kent in 2007, including the Roman ward in Sittingbourne. Some parts of Swale, including parts of Sittingbourne, are characterised by deprivation, low attainment associated with declining industries and a low skills base, and above-average unemployment. The town centre has significantly fallen down the national retail centre rankings in the last 10 years, and shopping rents have risen by just 5% between 1987 and 2002. The rate of taking up of employment land shows a relative deterioration, compared with the rest of Kent, in recent

years.

- 4.1.5 The Government has designated the Thames Gateway as a national priority area for growth and regeneration. Sittingbourne is at the eastern end of the Thames Gateway in north Kent. Regional Planning Guidance 9a *The Thames Gateway Planning Framework* (CD9) describes the town as having potential for substantial housing and employment growth “especially if access can be improved in and around Sittingbourne”.

Effect of the Sittingbourne Northern Relief Road

- 4.1.6 The provision of a new road connection across Milton Creek, providing a direct connection between the employment area centred on Castle Road and the A249 road, would enhance accessibility to the industrial area in the north of Sittingbourne by allowing traffic to avoid congested roads such as Eurolink Way and Castle Road. This would improve the economic performance of Sittingbourne, to the benefit of the town, the Borough, the County and the Thames Gateway.
- 4.1.7 Two development sites have been identified whose success depends on the Sittingbourne Northern Relief Road (“the SNRR”): at East Hall Farm, to the north-east of the town centre, additional housing development of some 200 units depends on the road scheme, and a 75 hectare redevelopment site centred on the head of Milton Creek is unlikely to reach its full potential without the SNRR.
- 4.1.8 A substantial part of Swale Borough Council’s development strategy in and around Sittingbourne for the last two decades has relied on the SNRR. The last five years have, in the Borough Council’s view, borne substantial fruit in terms of housing and employment. The detrimental effects upon development and regeneration strategies that delay or cancellation of the road scheme would have should be given great weight when balanced against other matters raised. Swale Borough Council is strongly committed to the case being presented by the County Council (KCC3/1).

4.2 Policy Context

- 4.2.1 Planning Policy Statement 1 *Delivering Sustainable Development* (CD6) seeks the right development, in the right place, providing sustainable mixed communities with good access to jobs and key services. Planning Policy Guidance 13 *Transport* (CD7) says that accessibility is important when identifying sites where major land uses should be located. The SNRR will help meet those objectives by improving access to key housing and employment sites to the north east of Sittingbourne town centre, as allocated in the Swale Borough Local Plan 2008 (CD27A). Those sites would provide 450,000 square metres of B1, B2 and B8 floor space, some 53% of the 2007 net floor space commitment in the Borough as a whole; and some 2150 dwellings.
- 4.2.2 The Draft Regional Spatial Strategy (in its associated Implementation Plan (CD3)), policies SW1, TP4 and TP8 of the Kent and Medway Structure Plan (CD1), policies TG1, B11 and T8 of the Swale Borough

Local Plan 2008 (CD27A), the Local Transport Plan for Kent 2006-11 (CD5) and the Swale Transport Strategy 2006-11 prepared by Swale Borough Council (CD17) all identify the SNRR as key infrastructure which is required to assist with the regeneration of Sittingbourne, and to provide access to identified development sites. The Local Plan Inspector found that the SNRR is seen as a key piece of infrastructure, necessary to enable Sittingbourne to fulfil its role in the Thames Gateway.

- 4.2.3 The SNRR is supported by development plan policy at the national, regional, county and local levels, and by other relevant policy frameworks.

Measures To Regenerate Central Sittingbourne

- 4.2.4 The Swale Borough Local Plan (CD27A) identifies a number of Action Area Plans across the Borough where major change is expected. Two of those are in central Sittingbourne. One, established by Policy AAP7, includes some 32 hectares of the town centre. Another, adjacent, Action Area Plan is established by Policy AAP8 and includes some 75 hectares of land around Milton Creek. This area includes run down business units and vacant land which the Policy identifies as having potential for development of at least 1,000 new homes and up to 43,000 square metres of leisure and retail space. A master plan for that area is in preparation, and is expected to be adopted in due course as a Supplementary Planning Document. The Borough Council has consulted the public on the subject of the master plan, and a similar consultation has also been conducted by Spenhill Developments Limited, a group company of Tesco plc (CD165). Spenhill's current plans do not include the promotion of any significant boating or recreational use of the Creek.

- 4.2.5 Local Plan Policies B27 and AAP8 deal with the area at the head of the Creek, and means by which its regeneration might be secured. Nothing in either of those Policies, or their supporting text, indicates that regeneration of the area would depend on maritime access via the Creek. The redevelopment of the area would present opportunities to enhance the existing tourist attractions and to celebrate the area's association with the Creek and its barge and brick building heritage, through development design, public art and by providing more tourist attractions.

4.3 Project History and Implementation

Context

- 4.3.1 The Northern Relief Road route runs south and east from the A249/B2005 junction to the development area to the north-east of Sittingbourne town centre. It may ultimately continue eastwards over the railway to meet the A2 road at Bapchild, on the eastern side of Sittingbourne; but that future aspiration was not before the Inquiry. It is unprogrammed and unfunded. The remaining three sections of the new road are:

- i) Between the A249/B2005 junction and a point near Ridham

Avenue: a single carriageway road, Swale Way, developer funded and built and opened in spring 2005.

- ii) Between Ridham Avenue and Castle Road: the single carriageway road that is the subject of the Orders before the Inquiry.
- iii) To the east of Castle Road: a further single carriageway road, also known as Swale Way, leading to employment and housing development land at East Hall Farm. This road was developer funded and completed in 2007.

Recent History

- 4.3.2 The SNRR has been mooted for many years but finding was problematic. Developer funding, committed in 2003, and a contribution from the ODPM Sustainable Communities programme (secured by Swale Borough Council) have resulted in the completion of sections i) and iii) identified above.
- 4.3.3 In July 2004 the County Council approved outline proposals for the scheme but those were not received favourably by the public and so two other routes were put forward by the County Council for public consultation. In December 2005 the County Council adopted one of those alternatives, for which planning permission was granted in September 2006 (CD69). The fixed bridge over the Creek would allow clearance of 4.2 metres above Mean High Water Spring (MHWS) tides. That permission was subject to various conditions, one of which required an investigation of an "alternative opening bridge design solution for the proposed crossing of Milton Creek by the new road". That condition resulted in an investigation by the County Council's consultants (CD92) which discharged the condition (CD146). Meanwhile, alterations were developed to the northern end of the scheme in response to locally-based objections, and those changes were included in the scheme to give it its final form. The modified scheme was the subject of a planning application made in August 2007 (CD70). Planning permission was given in February 2008 (CD71). The Orders before the Inquiry were then published.

Cost and Funding

- 4.3.4 The overall cost of the SNRR, including development costs already incurred (since 2004) and assuming a construction start in 2009/10, is £43.00 million.
- 4.3.5 The cost would be met from three sources:

i)	ODPM Sustainable Communities Programme and DCLG	£9.90 million
ii)	Section 106 Agreement between Kent County Council, Swale Borough Council, Trenport (East Hall Park) Limited and others (CD178)	£4.00 million, plus £0.10 million accrued interest thereon
iii)	Local Transport Plan	£29.00 million
	Total	£43.00 million

4.3.6 The Local Transport Plan element of this is the subject of a letter issued by the Government Office for the South East on 2 December 2004 (CD40) following the submission of a major scheme bid (CD33, CD34). The scheme was provisionally accepted. The provisions are that the cost of the scheme (estimated then at £43.5 million) should remain unchanged, that the scheme design and value for money should remain significantly unchanged, that statutory procedures should be completed, that other contributions should be secured, and that there should be suitable consultation with the relevant statutory environmental bodies.

4.3.7 The Section 106 Agreement (CD178) relates to the development of 550 houses at East Hall Park. It requires the developer to pay into a fund the sum of £363,636 (adjusted for indexation) before the occupation of each tranche of 50 dwellings at that site, until £4 million has been paid, and allows the County Council to draw on that fund for contributions toward the SNRR. The first dwelling was first occupied at the development site early in 2007, and about 90 dwellings there were occupied at the time of the Inquiry (CD208A).

4.3.8 The plan in document CD252 shows the land to be acquired for the scheme through the Compulsory Purchase Order and in other ways. Only land and rights needed for the scheme are proposed to be acquired. The Compulsory Purchase Order excludes land needed for the scheme that is owned either by Kent County Council or by Swale Borough Council. Document CD252 includes a letter dated 17 July 2008 from the Borough Council in which the Council undertakes, subject to the confirmation of the Compulsory Purchase Order, to enter into a contract of sale with the County Council, with the purchase price representing market value, for the relevant areas of land. The Borough Council also undertakes to grant to the County Council a temporary easement for a construction access for the scheme through the Country Park on land identified in the letter.

4.4 Description of the Proposals

4.4.1 The scheme's north-western end is at the southern end of Swale Way, near to Ridham Avenue. The existing roundabout there would be replaced with another, a short distance to the south and east, to maintain access to the paper mill. A segregated left turn lane toward the

mill would also be provided to provide queuing space for lorries waiting to enter the mill. An environmental barrier 2 metres high, on which there would be planting, would be provided on the western side of the roundabout to protect residential property nearby in Kemsley.

- 4.4.2 The road would run south eastwards from the new roundabout downhill in a shallow cutting across Kemsley Down to Kemsley Marshes, which it would cross on a low embankment. On the southern side of the road there would be a bank 1.5 metres high for noise containment and to provide a platform for planting that would screen the traffic from properties on the Church Milton estate. The Kemsley Drain watercourse would be realigned and a new highway drainage lagoon provided.
- 4.4.3 As the road approaches the Sittingbourne and Kemsley Light Railway the height of the embankment would increase and a 39 metre single span bridge would carry the road across the railway, the Kemsley Drain culvert, existing pipelines and electricity cables next to the railway track, and access tracks leading to the bridge abutments and adjacent land.
- 4.4.4 The road would then enter the Church Marshes closed landfill site, on an embankment between 2.8 and 7.8 metres high. A private means of access and two public highways (part of the Saxon Shore Way public footpath and part of the National cycle route) would be diverted, as set out in the Side Roads Order (CD80A, CD81). The diverted footpath and cycleway would pass beneath the new road, on the north-western side of Milton Creek. The road would cross the Creek and paths on either side on a fixed three-span bridge, 100 metres long. The bridge would be curved in plan and the road would be superelevated there. The minimum clearance between the underside of the bridge and the water would be 4.2 metres at Mean High Water Spring tides. To the east of the Creek, the new road would be supported by retaining walls on either side as it descends to the Castle Road/Swale Way roundabout.
- 4.4.5 The road alignment has been designed in accordance with the Design Manual for Roads and Bridges.
- 4.4.6 The road would have a single carriageway, 7.3 metres wide with 1.0 metre hard strips. A 3.0 metres wide footway/cycleway would be on the south and western side, and a 2.5 metres wide verge on the other side. The verge would be paved where the road is on a bridge. The road would be subject to a 40 mph speed limit. It would be lit throughout, with full cut off lanterns which would reduce light spill and so minimise the visual intrusion of the road at night.

Geology and Earthworks

- 4.4.7 The ground conditions have been determined by an extensive geotechnical investigation. Between the north western end of the scheme and Kemsley Marshes the route encounters ground capable of supporting the road embankment and of being formed into shallow sided cuttings. At Kemsley Marshes there is a thick layer of alluvium that will be treated during construction to ensure that no settlement takes place beneath the new road and its embankment. At Church Marsh the road

would cross a landfill site, expected to settle considerably over a long time as the underlying waste deteriorates. In this area the new road would be supported on piles that would extend through the landfill and bear on sound soil beneath.

Drainage

- 4.4.8 The surface water run-off from the new road would be discharged at four points: to an existing attenuation pond north the north western end of the scheme, to Kemsley Drain via a new attenuation pond, and to Milton Creek east and west banks. Each outfall would include an arrangement upstream of the outfall to retain pollutants for collection during maintenance operations. These arrangements have been agreed with the Environment Agency and the Lower Medway Internal Drainage Board, as appropriate, and will be the subject of land drainage consents.

Milton Creek Bridge

- 4.4.9 The bridge design would carry the new road across Milton Creek at reasonable cost, with minimum practical environmental impact, and would make reasonable provision for navigation on the Creek. The structure proposed is a three-span bridge crossing the full width of the Creek, with approximate spans of 30, 40 and 30 metres. It would be 16.3 metres wide with a minimum air draught of 4.2 metres above MHWS tides. The arrangement is shown by the drawings to which the Bridge Scheme refers (CD77A, CD78). That arrangement would minimise environmental disturbance and minimise changes to the flow characteristics of the Creek.
- 4.4.10 Navigation provision has been made following consultation with the Medway Port Authority (CD147), and following consultation with 51 other parties reported in document CD59. The Port Authority initially recommended clearance of 4.0 metres above MHWS tides but that was increased to 4.2 metres following advice from the Port Authority regarding the chart datum to be used. Upstream of the bridge site, navigation is restricted to short periods either side of high tide by shallow water depth. Other than the Sailing Barge Museum, there are no existing or planned facilities for marine leisure or business use upstream of the bridge site. The proposed opening would be adequate for use by the majority of small motor vessels operating in the area but not by craft with masts taller than the proposed air draught.

Alternative Bridge Types

- 4.4.11 The assessment of a moveable bridge that was required as a condition of planning permission for the scheme is reported in document CD92. The condition is now discharged (CD146). The provision of a moveable bridge as opposed to a fixed structure incurs extra cost. That cost arises from the provision of large mechanical elements to swing or raise and lower the structure, from electrically powered hydraulic equipment to operate the mechanisms, from a larger substructure needed to house the machinery and slewing or counterweight gear, and from traffic control equipment and systems to integrate these elements safely and reliably.

Having provided the equipment, further cost would arise from its operation and from its maintenance.

- 4.4.12 Three types of opening structure were considered – a swing bridge, a bascule bridge (where the deck pivots up from road level) with a road level counterweight, and a bascule bridge with an overhead counterweight. The additional cost of providing a moveable swing bridge would be of the order of £3.5 million to £4 million, or that of a bascule bridge would be of the order of £2.5 million. The additional operating and maintenance cost of a moveable bridge, expressed as a commuted sum, is likely to be between £0.5 million and £3.5 million more than for a fixed bridge; the range arises in part as a result of the increased cost of more frequent operation of the bridge, and in part from a range of possible assumptions about discount rates. Opening frequencies of 12, 50, 100, 200 and 300 per year were considered.
- 4.4.13 If a moveable bridge were provided, an additional bridge pier would be needed in the creek and that pier would need to be large enough to house the necessary machinery. It would also be necessary to bring one of the embankments out into the creek. This would be environmentally harmful. Natural England and the Royal Society for the Protection of Birds have advised that, if this alternative were to be pursued, a detailed assessment of its ecological effects should be made (documents CD152 and CD153). No such assessment has been made.
- 4.4.14 Bridge closure would have an adverse effect on traffic on the new road. The total period of closure to road traffic for one boat to pass would be 8 minutes. The moveable bridge would be large, by virtue of its width, and therefore slow to move. A comparable bridge is at Goole, on the A161, which takes between 3 and 4 minutes to open following closure of the road there to traffic, and a similar time to close. The lifting bridge at Cardiff, whose operation is described in document CD247, is smaller than a lifting bridge at the Creek would be and so could be opened and closed more quickly. It is likely that traffic queues from an opening bridge at Milton Creek would stretch back to Castle Road roundabout at every opening, and also to the northern terminal roundabout at peak periods.
- 4.4.15 A higher, fixed bridge was also considered and for a time during the scheme's development the bridge height was intended to be 6.4 metres above MHWS tides, enough to accommodate the largest sailing barge with the sailing gear lowered in the usual way. This would allow sailing barges to reach the Dolphin Yard Sailing Barge Museum, upstream of the bridge site. But in July 2005 the County Council understood that the Museum was probably moving from Milton Creek and so a lower bridge was considered. The current proposal, with its 4.2 metre air draught, has the benefits of:
- cost savings;
 - reducing the need for a high embankment over poor ground conditions in the former landfill site to the west of the crossing;
 - reducing the visual impact of the bridge;

- reducing the concern of the statutory environmental organisations (English Nature and the RSPB) that the bridge would be a barrier to the intertidal upstream mudflat feeding grounds for migratory birds; and,
- reducing the visual impact and gradient of the route where it passes through the narrow corridor between the Creek and Castle Road.

4.4.16 Public consultation regarding the changed height was carried out by placing notices in local papers, consultation with Swale Borough Council, and by writing to statutory environmental organisations, to Creek frontagers upstream of the crossing point and others who had previously expressed interest in the matter (CD59). Nineteen responses were received. Six were in favour of the new proposal, five had neutral opinions and eight opposed the new proposal. The Creek is highly silted and none of the Creek frontagers uses the Creek commercially. With the Sailing Barge Museum expected (at that time) to leave the Creek the only known potential use was in connection with Murston Wharf, where planning permission has been given for a slipway.

4.4.17 After the Bridge Scheme was published, the County Council became aware that the Sailing Barge Museum did not intend to move away. But this does not necessitate an increase in bridge height to 6.4 metres. With one exception, sailing barges are no longer present in the Creek and the Museum can still fulfil its underlying purpose of presenting the history of the barge era by exhibits, paintings, photographs and other memorabilia in the same way as, for example, the National Maritime Museum at Greenwich does. And it would be possible, in exceptional circumstances, for a small sailing barge to pass the bridge even with its reduced height by passing it at a time other than high tide.

4.5 **Traffic and Economic Assessment**

Traffic Changes Associated With The Scheme

4.5.1 Traffic surveys were undertaken in September 2003 and a traffic model developed using the standard SATURN software. New traffic counts were taken in June 2007 at the same locations and little change was found in the traffic flows. The model was revised and re-calibrated to be consistent with current standards, and a local model validation report was produced in May 2008 (CD93). The model makes no assumption of a new connection to the A2 east of Sittingbourne. Modelled future scenarios are based on a "Do Minimum" case. This includes the existing highway network with those smaller planned highway schemes identified in the Forecasting Report (CD94) and the expected land use changes, also set out in that report. The "Do Something" case adds the SNRR to the "Do Minimum". Conditions are modelled in the opening year (2011) and the design year (2026).

4.5.2 In 2011, the new link is modelled to carry some 13,900 vehicles daily, which would otherwise contribute to flows and congestion in the town centre. Some 5000 vehicles fewer would use the B2005 road each day

through Kemsley, and daily traffic on the A2 west of the town centre would fall by some 2300 vehicles. There would be little change elsewhere, but the road system in the town would by that time be carrying extra traffic associated with the proposed redevelopment of the town centre. In 2026, the new road would carry some 20,400 vehicles daily with other trends much as described for 2011. The accessibility of the industrial area to the north of Sittingbourne would be improved.

Traffic Effect Of A Lifting Bridge

- 4.5.3 The approximate length of traffic queue that might form at a lifting bridge was considered in examination. If the bridge was closed to traffic for 10 minutes during the interpeak period (the period between 10:00 and 16:00), a queue of up to about 95 pcus might form in each direction. Document CD226 identifies that there would be space for a queue of 46 pcus between the eastern stop line at a lifting bridge and the Castle Road roundabout, and a queue of 155 pcus between the western stop line and the Ridham Avenue roundabout.

Transport Economic Assessment

- 4.5.4 The standard computer programmes TUBA and COBA have been used to determine the economic efficiency of the scheme and the safety benefits associated with it. Document CD95 sets out the economic assessment report. With central traffic growth projections and a 60-year assessment period, expressed in 2002 prices and discounted to 2002, and including the £6,900,000 estimated discounted value of accident savings, the discounted value of the benefits associated with the scheme is estimated to be £732,892,000. Its estimated discounted cost over the 60-year period is £71,562,000 and its estimated net discounted value £654,432,000. The scheme has a Benefit:Cost ratio of 10.24.
- 4.5.5 The Benefit:Cost ratio is very high and reflects the large reductions in journey times that the scheme would bring.

4.6 Ecology

- 4.6.1 The scheme would have no direct impact on any statutory site designated for nature conservation. The Swale is designated a Special Protection Area under the EU Birds Directive (79/409), a wetland of international importance under the Ramsar convention, a Site of Special Scientific Interest and a National Nature Reserve under the Wildlife and Countryside Act 1981. The boundary of all four of these designations is the same and at its closest point is over 500 metres from the site of the scheme.
- 4.6.2 The scheme would bisect the Milton Creek Site of Nature Conservation Interest, of county level importance (CD176). There would be no loss of coastal salt marsh or reed beds. There would be a small loss of intertidal mudflat. To compensate for the effect on the site, the scheme will include sensitive landscaping, creation of wildlife links under bridges and it has been agreed with Kent Wildlife Trust that a payment of £50,000 would be sufficient to support appropriate mitigating ecological

improvements elsewhere. The intertidal mudflats and other ecological resources that would in small part be lost to the scheme cannot be replaced in Milton Creek because of nearby constraints.

- 4.6.3 Surveys have found there to be no bat roosts, but limited foraging by small numbers of three bat species. A badger survey found no evidence of badgers. Records show that water vole are present in the area, but three surveys found no signs of them at the site. Eight species of reptile and amphibian are present on the site, including the great crested newt (a European protected species) and three species of reptile that are protected under schedule 5 of the Wildlife and Countryside Act. The only plant of conservation interest that would be disturbed by the scheme is Borrer's salt marsh grass, for which mitigation would be provided by the creation of an area of disturbed ground for the plant to colonise. A survey for aquatic invertebrates found no protected species.
- 4.6.4 No aquatic habitat used by newts would be lost to the scheme, but a small terrestrial foraging area would be lost. In mitigation, new water bodies would be created as part of the scheme and new terrestrial foraging habitat created. Also, a European Protected Species licence would be sought from Natural England to allow trapping and translocation of newts from the path of the works, and newts would be cleared from the site of the works in accordance with guidelines published by English Nature (CD114).
- 4.6.5 Reptile trapping following English Nature guidance would be carried out for at least 90 days before the site is cleared. Captured animals would be moved to a receptor site that is being prepared at Church Marshes Country Park.
- 4.6.6 Two invertebrates (the fly *dorycera gramium* and the shrill carder bee) included in the Section 74 list of the Countryside and Rights of Way Act 2000 ("the CROW Act") were found at the site and suitable plants for them to feed on would be included in the landscaping scheme for the new road.
- 4.6.7 Six species of breeding birds that have suffered a sharp decline in population are on the site, including three (linnet, red bunting and song thrush) listed in the Section 74 list of the CROW Act. All site clearance work would take place outside the main breeding season, and new scrub, hedgerow and woodland suitable for their habitat would be planted.
- 4.6.8 Milton Creek discharges into The Swale, a Special Protection Area (SPA) and Ramsar site. The Creek supports a rich bird population in winter, including several species included in the SPA citation for The Swale. The new road might disturb these by noise, lighting, loss of feeding habitat or by a barrier effect associated with the bridge. Document CD113 presents the findings of a study of the effect the Milton Creek crossing might have on shorebirds and wildfowl. Although such birds are currently easily disturbed in the area, due to the low level of activity there, the disturbing effect the scheme might have would reduce with time as birds become more accustomed to its effects. In examination, document CD197 *Pilot Study Into Disturbance Of Waders And Wildfowl On The Stour-Orwell*

SPA: Analysis of 2004/05 Data was considered. It is likely that, by encouraging more people through the country park to the area in which birds are active, the birds would be more disturbed than at present. People with dogs can be particularly disturbing to such birds, but the degree of such an effect would depend on the species, location and topography.

4.6.9 The direct loss of bird feeding habitat would be slight, but shading of the mudflats might also discourage feeding near the bridge. Experience elsewhere has shown that street lighting does not distress birds; indeed, they sometimes feed by artificial light. The bridge's low profile minimises its visual impact and any barrier effect it might have. The increase in traffic noise would have a limited effect, since birds are more likely to adapt to constant noise such as that caused by traffic, than occasional noise such as the passing of individual water craft.

4.6.10 The overall ecological impact of the scheme, including mitigation, has been assessed in accordance with the DMRB and would be slight.

4.7 **Landscape, Townscape and Visual Effects**

4.7.1 The visual effect the scheme would have on its setting has been assessed using methods set out by the Countryside Agency (*Landscape Character Assessment Guidance For England And Scotland, CD101*), the Highways Agency (DMRB Volume 11 Section 3 Part 5 *Landscape Effects CD103*) and in Transport Analysis Guidance (TAG Units 3.3.7 *The Landscape Sub-Objective* and 3.3.8 *The Townscape Sub-Objective, CD106 and CD107*).

4.7.2 At the national scale, the scheme would lie in the Greater Thames Estuary Character Area 81, an extensive area comprising the narrow strip of soft coastline between The Swale and the River Stour on the Essex/Suffolk border. At the County level, the road would lie in two character areas described in the Landscape Assessment of Kent published by Kent County Council in 2004 (CD100). Those areas are the Fruit Belt, described as being in poor condition with low sensitivity to change, and the Swale Marshes which are described as being in good condition and very sensitive to change, but with visual detractors such as overhead cables and the industrial and urban skyline in some places.

4.7.3 *The Swale Landscape Character Assessment and Guidelines* was published by Swale Borough Council in 2005. This points out that visually, certain areas are dominated by large scale industry which sits inharmoniously beside the flat, open landscape. There is a particularly high impact on long-distance views of the wider landscape, caused by industry near Milton Creek and Church Marshes on the Creek's west bank.

4.7.4 A further, more detailed local landscape character assessment of the road corridor has also been made. Two local landscape character areas which would be directly affected by the road were identified. They are:

- i) The Church Milton Urban Fringes – a low-lying open rural-urban fringe landscape, at the undeveloped land west of the

Sittingbourne and Kemsley Light Railway. Former and current landfills have modified the topography, drainage and field patterns of the area. It is a degraded landscape in poor condition. Because the sense of place is weak, it has a low sensitivity to change despite the moderate visibility. This area adjoins the extensive area designated as the North Kent Marshes Special Landscape Area.

- ii) The Milton Creek Mudflats and Marshlands – including Milton Creek which is an open and distinctive water body, with tidal mudflats and flat former grazing marshes. The massive scale of the adjoining paper mill, pylons and industrial park developments intrude on the openness and reduce tranquillity. But further north those influences recede and the northern section of the Creek is part of the North Kent Marshes SLA. Nevertheless, at the scheme site, the landscape is degraded and in poor condition; but there is a greater sense of place than at the Church Milton Urban Fringes and so it is more sensitive to change.

- 4.7.5 Overall, the scheme would have a slight adverse effect on the landscape when assessed by the TAG method. This effect would relate to matters such as the road not quite fitting into the landform, or the scale and pattern of the landscape. The effect cannot be totally mitigated because of the openness of the landscape.
- 4.7.6 Any residual effects on the North Kent Marshes SLA would be neutral to slight adverse at worst, and localised in extent. Only a very small part of the scheme encroaches onto the SLA, and that would be at its southern tip. The townscape effect of the scheme would be neutral as defined in TAG. East of the Creek, the route enters an area of low visual sensitivity.
- 4.7.7 In terms of the visual effect of the scheme, the residents of only one property are likely to experience substantial longer term adverse visual effects; 59 other dwellings would experience an adverse effect that would be no more than moderate.

Alternative Bridge Forms

- 4.7.8 The proposed 4.2 metre high bridge would have a lesser impact on the landscape than would the previously-proposed 6.4 metre high bridge, or the lifting bridge that has been considered. But that advantage would to a degree be offset by the added interest in the landscape that might arise from increased boat traffic that the other bridge forms could allow, and from the sense of theatre that would arise from the operation of a moveable bridge.
- 4.8 **Noise and Vibration**
 - 4.8.1 The noise and vibration effects of the scheme have been assessed in accordance with guidance set out in Volume 11 of the DMRB. Predictions have been made for “do minimum” and “do something” cases in the year of opening (2011) and the design year (2026).

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- 4.8.2 Mitigation measures in the form of earth bunds and noise fencing are proposed to reduce noise impact from the scheme. Properties at Recreation Way and Marsh Rise would benefit the most from those. Some other properties near the scheme are predicted to experience substantial and severe adverse effects from noise arising from the scheme, but no property would be so severely affected as to be eligible for noise insulation under the Noise Insulation Regulations.
- 4.8.3 Elsewhere, the scheme would result in noise and vibration benefits for a large number of properties on the wider road network. These would arise from the traffic reductions in Sittingbourne that the scheme would bring. The number of properties experiencing such benefits would considerably outweigh the number of properties on the wider network that would experience a worsening of noise and vibration.
- 4.8.4 Measures to mitigate the impact of noise and vibration arising from the construction of the new road would be agreed with Swale Borough Council and detailed in any subsequent works contract.
- 4.9 **Air Quality**
- 4.9.1 The effect the scheme would have on air quality has been assessed in accordance with guidance set out in Volume 11 of the DMRB, with reference to *The Air Quality Strategy For England, Scotland, Wales And Northern Ireland* published by DEFRA ("the AQS", CD123).
- 4.9.2 With both the "do minimum" and the "do something" scenarios, air pollutant concentrations in the year of opening would be well within the Air Quality Objectives set out in the AQS for all properties considered in the assessment. The area would remain one characterised by good air quality. The scheme would cause some increases in pollutant concentrations, but the change would be no more than slight adverse in the Kemsley area. Elsewhere, the scheme is predicted to cause beneficial effects for the majority of representative receptors on the local road network.
- 4.9.3 The scheme would cause an increase of the pollutants associated with greenhouse gases and global warming, but that increase would be an extremely small percentage of the national total.
- 4.9.4 Standard measures are available to prevent dust becoming airborne while the road is being built, and these would be incorporated in the site's Environmental Management Scheme.
- 4.10 **Cultural Heritage**
- 4.10.1 The effect of the scheme on cultural heritage resources has been assessed in accordance with TAG Unit 3.3.9. The assessment finds that the scheme would have a moderate adverse effect on heritage resources.
- 4.10.2 The construction of the scheme would affect adversely a range of important archaeological remains. Despite the presence of substantial deposits of "made ground" and the impact of 19th and 20th century
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industry, remains dating from all periods of prehistory onwards could be affected. In particular the fringes of the regionally important Bronze Age settlement at Ridham Avenue may be harmed by construction groundworks. Elsewhere, piling operations could potentially adversely affect the remains of early marshland exploitation, deposits of palaeo-environmental importance and possible wrecks (although the scheme would not affect any known wreck) in the alluvium of the former creek floodplain. The scheme would also have a slight adverse effect on the remains of the medieval/post-medieval drainage pattern established to reclaim former marshland for agricultural use. Remains of the 19th century brick making industry and its associated wharfage on Milton Creek may also be adversely affected by the construction of the road.

- 4.10.3 Condition 21 of the planning permission for the scheme granted in September 2006 (CD69) requires that "No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and time table which has been submitted and approved by the County Planning Authority."
- 4.10.4 Prior to construction of the scheme, a programme of archaeological field evaluation would be undertaken. Where significant archaeological remains are identified, efforts would be made within the scheme design to preserve archaeological remains in situ. Where such deposits cannot be left preserved, detailed archaeological investigation and preservation by record in advance of construction would be carried out. Following excavation and recording, the results of the investigation would be analysed, researched and published in accordance with best practice. The archive would be deposited with an appropriate museum. The approval of the County Archaeologist would be required for all such mitigation measures.
- 4.10.5 English Heritage was consulted by the County Council before planning permission was granted for the scheme, and raised no objections (CD128).

4.11 **Navigation**

- 4.11.1 Navigation evidence in chief given at the Inquiry drew in large part on the Rummey report, CD23: *Main report on the key implications of the Sittingbourne Northern Relief Road, Milton Creek Crossing; on Navigation, Environmental and Regeneration issues with regard to the future viability of the Creek for recreational use*. A chart of the Creek, surveyed in 1982 and published by the Medway Ports Authority, is appended to the proof of evidence of Mr Ward (KCC5/2 in CD137).

Conditions in Milton Creek

- 4.11.2 Milton Creek is a shallow tidal inlet, approximately 4 kilometres long and, over most of its length, generally less than 100 metres wide. The upstream half is generally between 60 and 80 metres wide with the narrowest points around 30 metres wide.

- 4.11.3 Tide levels are typically reported relative to Chart Datum and predicted tides are published in tide tables. Chart Datum is a local measure of the lowest level to which tides fall in open water. Admiralty charts quote sea depths and shore levels relative to Chart Datum, whereas Ordnance Survey maps relate levels to Ordnance Datum. Neap tides (which are lower than average) and Spring tides (higher than average) occur over a fortnightly cycle. The mean levels of various tides in the Creek are as follows:

Tide Levels In Milton Creek Relative To Stated Datum		
Tide	Relative to Ordnance Datum	Relative to Chart Datum
Mean High Water Springs (MHWS)	2.8 m	5.6 m
Mean High Water Neaps (MHWN)	1.7 m	4.5 m
Mean Tide Level	0.3 m	3.1 m
Mean Low Water Neaps (MLWN)	-1.3 m	1.5 m
Mean Low Water Springs (MLWS)	-2.2 m	0.6 m

- 4.11.4 Mean High Water Neaps are some 1.1 metres lower than Mean High Water Springs and so the depth of water in the Creek is less during Neap tides than during Spring tides. This reduces the available tidal window.
- 4.11.5 The Creek is shallow, with much of the bed above Mean Tide Level. There is a narrow central channel or "gut" which follows the centreline of the Creek.
- 4.11.6 If a vessel is to navigate the Creek, the water should be deep enough to accommodate the draught of the vessel. The Creek was most recently fully surveyed in 1982. A more recent survey in 2002 extended from the Creek entrance to the bridge site. It suggests that the bed profile changed little in the intervening period. The chart shows bed levels in the Creek, including the following:

Surveyed Bed Levels In Milton Creek, Relative To Chart Datum	
Location	Level above chart datum
Mouth of Milton Creek	Around 0 m
Proposed bridge site	1.9 m
Within 500 m of the head of the Creek	2.9 m
Head of the Creek	3.2 m

Potential For Boat Access

- 4.11.7 An assessment has been made of the opportunity for boats to enter the Creek, reach the bridge site and the head of the Creek and then return to The Swale. The assessment considered the typical types of yacht currently based at other creeks nearby. These are either lifting keel (the keel, which normally projects below the hull, can be withdrawn into the boat) or bilge keeled (there are two keels, one on each side of the boat, so that it may stand on the keels without toppling over). The assessment considered a typical bilge keeled vessel with a draught of 1 metre, and allowed a clearance of 0.6 metres between the keel and the bed. The boat was assumed to travel at 2 knots while in the Creek, and so would take around 1 hour to travel the length of the Creek. The full analysis is set out in document CD23 and its erratum, CD203. The findings are that:
- i) For high tides at the Mean Neap level or lower (or in the event that high atmospheric pressure reduces the tide level) there is a real danger that such a vessel would run aground before reaching the head of the Creek: it is not practically possible for a significant proportion of the time for the modelled vessel to make a transit of the Creek; and,
 - ii) During Spring high tides the higher tide level increases the access window so that such a vessel could spend up to 1 hour 20 minutes either side of high tide at the head of the Creek.
- 4.11.8 A further analysis was undertaken for the case of a vessel of 1.8 metres draught, representing sailing yachts up to 14 metres long. This found that at Neap high tides, such a vessel could not reach the head of the Creek, and at Spring high tides there would be only enough time in the tidal cycle to reach the head of the Creek before turning back.
- 4.11.9 Generally, motor boats have a shallower draught than the equivalent length of yacht and so the opportunities for them to navigate the Creek are greater. But, due to their outboard motor, trim tabs and the like, motor boats are more prone to damage than sailing boats if they run aground or sit on the bottom, and so tidally restricted moorings are not generally used by motor vessels.
- 4.11.10 The statutory obligations of the Medway Port Authority are set out in the Medway Ports Reorganisation Scheme 1968 Confirmation Order (1969) as amended by the Medway Ports Act 1973. Those obligations extend to maintaining navigation at a level consistent with conditions at the time the Order was made. In the event that measures are proposed that would increase traffic in the Creek, the Authority would be required by the Port Marina Safety Code to provide navigation marks and a dredged access channel. To provide a formal navigation channel would cost in the order of £3 million or, if the material in the Creek bed is contaminated as a result of its industrial past – and the evidence is that such contamination is present (CD209, a written statement by the Environment Agency) – the necessary disposal of dredged material at a specially licensed landfill for contaminated sediments would increase that

cost by a factor of 3 or 4. That cost, and the cost of providing more formal navigation marks in the Creek, would in the view of the Port Authority have to be borne by the users of the Creek. Additionally, if the sediment in the Creek were disturbed as part of a dredging operation, the toxins it contains would be released into the water, which could adversely affect the protected sites and shellfish waters downstream or down tide of the Creek. The Environment Agency would therefore object to any application for a license to dredge in the Creek. Improved navigation in the Creek is therefore very unlikely.

- 4.11.11 If use of the Creek were to increase, it is likely that waterfowl, in the nearby SPA and elsewhere in the Creek, would be disturbed by the boats themselves. Evidence to that effect is well documented and research suggests that breeding and over-wintering waterfowl are particularly sensitive to disturbance. Other effects of increased boating activity may include disturbance of the creek bed (causing turbidity of the water), outboard engine emissions, accidental discharge of oil and fuel, and littering.

Existing Use Of The Creek

- 4.11.12 The current Creek usage was surveyed over two weekends in May 2008, when high tides were at or around Spring tide levels.
- 4.11.13 The first survey date of 3 May was chosen because the Sittingbourne Yacht Club web site advertised "Spring Sailing" at high water and Murston Wharf. On this day, five "Topper" sailing dinghies and two safety boats (motor boats accompanying the Toppers) were launched. The first dinghy entered the water at 11:50 and the last was recovered at 13:25 – a period of 1 hour and 35 minutes. None of the dinghies sailed as far as the bridge site and the proposals would have no effect on activity of this nature. High water was at 11:41 and was 0.07 metres below MHWS. The weather was warm and sunny.
- 4.11.14 The second survey took place over the weekend of 17 and 18 May when predicted high tides were about 0.2 metres below the MHWS level. No vessel was seen navigating the Creek on either day. There was continuous light rain on the 17th but the weather was dry with sunny periods on the 18th.
- 4.11.15 Document CD237 is a note of the accompanied site visit made at about high water on 10 July. The boat drew 0.5 metres and took 35 minutes to travel the length of the Creek.

The Current Recreational Boating Market

- 4.11.16 To understand the existing context and the potential demand for increased recreational use of Milton Creek, a review of current market conditions was undertaken in the preparation of the "Rummey report" (CD23).
- 4.11.17 Local market conditions and demand very clearly favour modern marina facilities with floating pontoon berths and a long tidal access window.

Potential For Leisure Berthing Development In Milton Creek

- 4.11.18 Since some objectors contend that the Creek has the future potential for increased leisure berthing (unless boat access is constrained by a fixed bridge), the potential for such berthing in the Creek has been assessed. The evidence given with regard to dredging and navigation marks is relevant here but, nevertheless, the potential options have been considered.
- 4.11.19 Tidally restricted moorings might be provided. But, unless the Creek were dredged to significantly improve the tidal access window, only a limited number of yachts could access berths at the head of the Creek. Even if drying pontoon berths were provided, the restricted access and market preference previously identified would make this option commercially unattractive. And, even if users came forward for such facilities, studies documented in the Rummey report (CD23) show the facilities' business case to be unviable.
- 4.11.20 The market preference is for berths to allow vessels to stay afloat at all states of the tide. In Milton Creek, this would require a better tidal access window and some form of impoundment of the tidal waters, accessed when the tide allows through a lock or similar arrangement. This would be very costly and the impounded water would require strict control to avoid pollution and turbidity. A business plan for a marina with floating berths and a reasonable tidal access window is presented in the Rummey report (CD23). The finding is that, even if the cost of creating the marina were borne by others, the business would not be viable.

Effects of Bridge Crossings

- 4.11.21 The proposed fixed bridge with an air gap of 4.2 metres above MHWS tides would prevent access for all fixed-mast vessels. Many of those vessels would in any case be prevented by their draught from reaching the head of the Creek, or from navigating beyond the bridge site on periods of high spring tide – which occur on relatively few occasions each year. Conversely, motor yachts have a shallower draught and more than 90% of such boats less than 14 metres long have an air draught of less than 4.2 metres and would be able to travel past the bridge under the right tidal conditions.
- 4.11.22 An opening bridge would retain access for all types of craft that can currently reach the upper length of the Creek. But the time taken for the bridge to open would discourage visits, which would in any case be constrained by the shallow access channel and the limited tidal window. This additional difficulty would worsen the lack of viability of the business models tested.
- 4.11.23 In examination, the potential for sailing boats to lower their masts at the bridge was considered. A tabernacle is an arrangement at the foot of a mast whereby it might be lowered to pass under low bridges, and then raised again. Tabernacles are fitted to a number of sailing boats, some of which are identified in CD23. But there are often difficulties and risks in lowering or raising a mast on a yacht on the water, because of the size

and weight of the mast. Smaller boats such as sailing dinghies including Toppers might be expected to lower their mast on the water. Sailing barges have much heavier masts and it would be necessary to have the mast on such a boat lifted out of place by a crane, perhaps at Swale Marina. It is not uncommon for sailing barges to have their masts removed and then sailed.

- 4.11.24 The possibility of moving a sailing barge past the proposed fixed bridge was also considered. At less than high tide, the air gap beneath the bridge would be greater than 4.2 metres so as to accommodate the air draught of a small sailing barge in conjunction with sufficient depth of water to float it; and so it may be possible to allow a small sailing barge to pass the bridge.

5 THE CASES FOR THE SUPPORTERS

5.1 Introduction

- 5.1.1 No party other than the promoter appeared at the Inquiry in order to support the proposals. The gist of additional points, not present in the promoter's case, that were made in written representations submitted by supporters of the proposals is set out in the following paragraphs.

5.2 Additional Matters In Support Of The Scheme Raised In Written Representations

- 5.2.1 **The Port of Sheerness Limited**, also known as Medway Ports (file CD135/2/1), is the statutory Authority with responsibility for navigation in Milton Creek. The Authority supports The Kent County Council (Milton Creek Bridge) (No.2) Scheme 2007. The proposed air height of 4.2 metres to a fixed bridge is appropriate given the current and likely future use of the Creek. The current level of usage of Milton Creek for navigation is as follows:

- i) The Creek is little used at present.
- ii) There is currently no use of Milton Creek for commercial purposes.
- iii) There is very limited use of Milton Creek for recreational purposes. Recreational use is occasional and limited to ideal tide conditions.
- iv) The number of licensed users of the Creek based in Milton Creek was nil at 1 May 2008.
- v) There are no operational recreational moorings on Milton Creek.
- vi) Although there appears to be some potential for use of an inlet off Milton Creek (not under the remit of the Authority) by a barge museum, it is the Authority's understanding that the museum would, if it continued to operate, relocate to

downstream of the proposed bridge.

- 5.2.2 In the event of future development proposals for berthing in Milton Creek, the Authority would necessarily be required by legislation to ensure that there are adequate means of navigation to and from the facility; and (among other things) to safeguard environmental conditions in the Creek. The former of these would include appropriate navigation channels to be in place, with room for vessels to pass, and to form the channels large-scale dredging would be required. Such dredging, and the need for future maintenance dredging, would have an adverse impact on the habitats and species present in the Creek. The Creek's inter-tidal zone is classified as a Priority Habitat under the Bio-Diversity Action Plan, and the Environment Agency has a policy requiring no net loss of such habitat. It would be extremely difficult to meet that requirement and so the Authority would be most unlikely to consent to such dredging. Even if allowed, the cost of dredging and other navigation requirements would be high and would be recoverable from the users of such berths.
- 5.2.3 **Swale Borough Council** (file CD135/10) referred to recently-collected information for the Council's ongoing Employment Land Review, which again emphasised business concerns regarding congestion on Eurolink Way and Castle Road. Those concerns were expressed directly to the Inquiry in written representations from 22 companies with premises in that area.
- 5.2.4 **Spenhill Developments Limited** (file CD135/31) is a promoter of development in policy area AAP8 which borders the head of Milton Creek. Spenhill owns the majority of the land making up the AAP8 development area. The company believes that the area is not viable for commercial or residential marina development, and does not propose to bring forward any form of marina development, jetties or moorings along Milton Creek. Any water feature proposed by Spenhill for the AAP8 development will not be linked to the Creek. Spenhill's development proposals do not include any property or buildings directly fronting the creek; some may overlook the Creek but there would be a "buffer zone" at least 10 metres wide between any development and the creek edge. Spenhill has obtained independent advice which indicates that any impoundment or development of the Creek would harm its ecological balance.
- 5.2.5 **Sparshatts of Kent Limited** (file CD135/13) have premises accessed via Eurolink Way and Castle Road. They submitted a petition signed by 62 employees in the following terms: "We the undersigned support the building of the Sittingbourne Northern Relief Road and Milton Creek Bridge to give direct access to the A249/M2 from the industrial estates / new housing developments in Murston area and thereby relieve the traffic congestion on the other two routes through the town of Sittingbourne."

6 THE CASES FOR THE OBJECTORS

The material points were:

6.1 Hoo Ness Yacht Club

6.1.1 Hoo Ness Yacht Club was represented at the Inquiry by its Rear Commodore, Mr Tony Lavelle. The Club objects to the Bridge Scheme and considers that an opening bridge should be provided.

Potential For Leisure Berthing Development In Milton Creek

6.1.2 Tidally restricted drying creeks, such as Milton Creek, provide viable locations elsewhere for marinas. Examples include Hoo Marina (on the River Medway), Tollesbury Marina in Essex, Tide Mill Yacht Harbour at Woodbridge and Swale Marina at Conyer. There are others. Sailing in the Thames Estuary, with its shallow waters and tricky tides, is a very different experience from the south coast, where deep easily-accessed marinas are commonplace.

Potential for Boat Access

6.1.3 Since learning of the proposed closure of Milton Creek to sailing boats, Mr Lavelle has personally navigated to the head of the Creek several times. The Admiralty chart accurately shows the depths and position of the gutway. It was surprising to find that the Creek's reputation for pollution was unjustified. The Creek is comparable to but deeper and straighter than Faversham Creek, which Swale Borough Council has recognised as a valuable amenity. At rallies, various yachts with draughts up to 1.5 metres have reached Murston Wharf at half tide, a traditional sailing boat reached the head of the Creek, a yacht 32 feet long reached the basin on a 5.4 metre tide, and the Harbourmaster's launch, a sizeable vessel, was able to pass a wide trimaran and other yachts near the head of the Creek. There is no need to leave 0.6 metres depth of water beneath a boat, as the County Council suggest, when in the Creek on a rising tide. In such circumstances, East Coast sailors often proceed by "touch and go", making their way in water only slightly deeper than the draught of the vessel.

6.1.4 A former member of the Yacht Club towed groups of three 200-ton barges to the head of the Creek as late as 1970. Surveys made in 1969 and since show negligible changes to the water depths, except perhaps in the basin.

6.1.5 Contrary to what is sometimes stated, Milton Creek is currently used by yachts, barges and other sailing boats and this use is increasing now that pollution from a former paper mill at the Creek head has stopped. Nevertheless, boat visits remain exceptional and the Yacht Club has no record of the total number of visits. Hoo Ness Yacht Club participates in several sailing events each year at Milton Creek. There is width enough for boats such as the Harbourmaster's launch to pass a wide trimaran near the head of the Creek. The basin at the head of the Creek would make a superb marina.

6.1.6 A boat leaving the head of the Creek on a neap tide would be unable to return for 11 hours; on a spring tide, it would be possible to return after a very short trip, or an 11-hour trip would also be necessary.

6.1.7 Only sailing boats are likely to use the Creek, and most of those would use their motors in the Creek. The fixed bridge would prevent sailing vessels from going up the Creek to the town, condemning the town's navigable waterway to a future of neglect just as it is recovering from decades of pollution. A moveable bridge is therefore needed.

Moveable Bridge

6.1.8 A bridge such as that promoted at the Inquiry by the Medway Yachting Association would be satisfactory. It would be opened at least 50 times per year, equivalent to at least 25 vessels entering and then leaving the Creek. Mr Lavelle confirmed in examination that he had no view of the likely number of boats that would pass along the Creek and require the bridge to open. The current use of the Creek is minimal. An opening bridge is postulated on the future use of the Creek; the Creek would need to be an attractive destination. And the potential for that exists since Sittingbourne offers shops and a railway station close to the Creek.

6.1.9 The County Council had over-estimated the time needed for a moveable bridge to be closed to traffic to allow a boat to pass. Whereas they contend that 8 minutes would be needed, King's Ferry Bridge (a lifting bridge between the mainland and the Isle of Sheppey) had been timed at 3 minutes. Consequently, the Council's assessment of the traffic congestion that opening a bridge at Milton Creek would cause was too high.

Regeneration

6.1.10 In any other town a navigable waterway coming into the town centre would be grasped as an opportunity for regeneration, leisure and recreation. Sittingbourne needs the new relief road and the road should have been built, with an opening bridge, years ago.

6.2 Mr G V Lilley

6.2.1 Mr Lilley owns property next to the Creek and upstream of the bridge site, at Murston Wharf, Prentis Quay (at the head of the Creek) and the Brayford Meadows Kart Circuit. He objects to the Bridge Scheme since the height of the bridge would prevent sailing boats and other vessels having access to either of his water frontages (the Wharf and the Quay), and considers that the bridge should provide an air draught of at least 6.4 metres.

6.2.2 In 1993-1994 Mr Lilley, then managing director of Victor Civil Engineering Limited, commissioned a feasibility study of the potential developments at Mr Lilley's sites near the Creek (CD141, appendix). Mixed development was proposed at Prentis Quay, with a half tide barrier to permanently hold water in a new Creek basin. Adelaide Dock, at Brayford Meadow, was proposed to be restored and reinstated as a

working dock with leisure-related development alongside. Subsequently, Mr Lilley developed the Brayford Meadows Kart Circuit. Creek side housing was proposed at Murston Wharf, but Mr Lilley now proposes a small marina at that site, with a half-tidal flap a short distance downstream to retain water just upstream of the bridge.

6.2.3 In 2004 the County Council announced that the new bridge would provide an air draught of 6.4 metres above MHWS. With that understanding, Mr Lilley obtained planning permission in April 2005 for a slipway for a commercial venture at Murston Wharf. The slipway was built in the summer of 2005. On 27 September 2005 the County Council's consulting engineers wrote to Mr Lilley inviting his comments on the proposition that the bridge should have an air gap of 4.0 metres above MHWS. Mr Lilley put on hold all further works at the Wharf, other than a pontoon and landing jetty.

6.2.4 There are many boat owners who live in Sittingbourne and moor their boats elsewhere but would prefer to move their boats to Sittingbourne if facilities existed and if the Creek was cleaner.

6.2.5 The County Council, the Borough Council and the Ports Authority have no long term vision for Milton Creek. There should be a similar vision to that which the Council expresses, in the Borough Local Plan First Review Deposit Draft March 2004 (CD141, appendix), for Faversham Creek, and that should include access for boats with up to a 6.4 metre air draught.

6.3 **Dolphin Yard Sailing Barge Museum Trust**

6.3.1 The Trust was represented at the Inquiry by Mr C Reader, the Chairman of the Trustees. Mr Reader has no expertise in sailing or dredging.

6.3.2 The Trustees object to the County Council's proposal to bridge Milton Creek with a 4.2 metre air draught span.

6.3.3 The Museum is unique in that it is on an original barge repair site at Milton Creek near the town centre and upstream of the proposed bridge. It is housed in two buildings. One includes a forge and saw pit. The other, a 2-storey sail loft, contains most of the Museum's collection. There is also a yard and an inlet from the Creek with barge blocks where sailing barges can be repaired. One, the *Celtic*, has been there for more than 20 years and, having been recently bought by Mr R Dixon from its previous owner who was also independent of the Museum, is now subject to restoration work which is expected to take several years. Other sailing barges have been repaired at the Museum but in each case the work is done by the barge owner, not the Museum. The Museum does not own a barge. It was agreed in examination that sailing barges could be brought to the site by road.

6.3.4 The Trust was served with notice of termination of its lease in December 2003. Compensation was offered in due course and negotiations followed. These lasted for 2 years, during which time the Museum was closed to the public. During that time its collection was loaded into containers and it was prepared to relocate. The museum has re-opened

and the Trust has a lease in perpetuity and is secure on its site.

- 6.3.5 Following the measurement of several sailing barges it was agreed with the County Council in March 2004 that a 6.4 metre air gap should be provided beneath the new bridge. This would allow sailing barges to pass, with masts fully lowered. Following publication of the County Council's proposal for a lower bridge, the Trust wrote to the County Council on 20 September 2005, saying "as long as we are occupying our present site, we would require a clearance height of 6.4 metres" (CD140, Appendix).
- 6.3.6 The Trust kept the County Council updated of the Museum's tenure of its site. Since the Trust's position has subsequently remained unchanged, further objection to the Scheme was unnecessary.
- 6.3.7 Any fixed bridge must allow the passage of barges up the Creek to the Museum, that is, there should be an air draught of at least 6.4 metres. Anything less would severely damage a significant part of Sittingbourne's heritage.
- 6.4 **Mr Clive Reader**
- 6.4.1 As well as appearing for the Dolphin Yard Sailing Barge Museum Trust, Mr Reader gave evidence in his own right.
- 6.4.2 Much of Sittingbourne's heritage has disappeared, but it retains the Light Railway, the Sailing Barge Museum, the Heritage Museum and Milton Creek. Not enough is being made of those. The County Council and the Borough Council should heed the view of the Local Plan Inquiry Inspector that the redevelopment of the area presents opportunities to enhance the existing tourist attractions and to celebrate the area's association with the Creek and its brick and barge building heritage. This could be done through the design of the development, through public art and by the provision of additional tourist attractions. But the Council is doing nothing of the sort. A lifting bridge should be provided to allow all sailing craft to navigate a revitalised Creek. A basin should be created at the head of the Creek, which should be dredged so that barges in full sail could use the Creek again. The Barge Museum should be saved and enhanced on its current site to form the centre of a green zone separating the AAP8 development zone from the Eurolink Industrial Park.
- 6.5 **Sittingbourne And Milton Regis Sea Cadet Corps**
- 6.5.1 Evidence was given on behalf of the Sittingbourne and Milton Regis Sea Cadet Corps ("the Sea Cadets") by Mr E.D. Bailey, their President, and by Sub Lieutenant Loreley Tansley RNR, their Commanding Officer.
- 6.5.2 The Sea Cadets object to the Bridge Scheme, and consider that a lifting bridge should be provided instead of the fixed bridge the County Council proposes.
- 6.5.3 The Sea Cadets use the quays and slipways in Milton Creek at Prentis Quay, at the Dolphin Yard Sailing Barge Museum and at Murston Wharf.

All those facilities are above the site of the proposed bridge. The Sea Cadet Corps trains up to 50 cadets between the ages of 10 and 18 years, in sailing, canoeing, motor boating, power boating and pulling. In the season to mid-June 2008, the Corps had completed 580 sailing hours on Milton Creek (2 people sailing 1 boat for 1 hour constitute 2 sailing hours). Their extensive sailing programme includes water safety, dinghy sailing and offshore yachts. The Cadets sail in Toppers, Bosuns, Enterprises and Westerleys. Small motor boats are used as safety boats in the Creek.

- 6.5.4 The Sea Cadets provide training in several stages. Stage 1 uses Topper boats, which have a very shallow water draught and an air draught of 5.2 metres or more (depending on their rig). Sailing events such as that shown in document CD229 (the photographs show sailing off Murston Wharf, and a little further downstream) use such boats and could take place even if the proposed fixed bridge was built. On the weekend of 3 – 5 May 2008, at least 8 Toppers were sailed in the Creek by the Cadets at any time. Stage 2 employs the full length of the Creek. Stage 3 involves sailing to The Swale and then around the Isle of Sheppey. Training is for Royal Yachting Association qualifications.
- 6.5.5 The Sea Cadets do not store their boats at the Creek, because of the fear of vandalism. Instead, boats are kept on the Isle of Sheppey and sometimes sailed from there, or taken by road to Sittingbourne to be launched in the Creek. Some Units of the Sea Cadets are based in non-coastal towns such as Tunbridge Wells (where Sub Lieutenant Tansley was formerly based) and they co-operate with coastal Units, or travel, often by mini bus, to the water for sailing events of their own. Although the Sea Cadets at Sittingbourne had sometimes travelled to other sailing venues by road, there were difficulties in so doing (in obtaining insurance, a vehicle and a driver) which some other, better-resourced Units are more readily able to overcome than is the Sittingbourne Unit. The national Sea Cadets Association has 3 offshore yachts (moored at Portsmouth and Walton on the Naze) which are made available to Units by arrangement, and the Sittingbourne Unit has travelled to use one of those boats at Queenborough on the Isle of Sheppey, and at Gosport. That activity would not be affected by the proposed bridge.
- 6.5.6 None of the sailing boats used by the Sea Cadets would be able to pass the proposed bridge. Nor is there any possibility of a new access to the water being created downstream of the bridge, since no road access would be available on the western side and the eastern side is protected as a SSSI, a Ramsar site and by the RSPB. It would be devastating to the children and youth of the area if the Sea Cadets were denied their right of navigation in Milton Creek. The training offered by the Unit is essential for those who live so close to waterways and the sea. It would not be in the public interest to prevent such training.
- 6.5.7 It is vital that dredging vessels should be able to enter the Creek, to prevent it from becoming a dirty smelly ditch, impossible to sail. The proposed fixed bridge would prevent the entry of any sizeable craft, necessary to do that job.

- 6.5.8 The Sea Cadets have been represented at various meetings with the County Council, but those were unsatisfactory. The County Council overestimates the time needed to repeat the statutory processes to include a moveable bridge, and overestimates the delay that the operation of such a bridge would cause to passing traffic. The County Council's estimation of the cost of operating such a bridge is also too high, since it could be operated remotely by the same staff who currently operate the lifting bridge at King's Ferry. Marine traffic is only likely to be at weekends when lorry traffic is minimal, would depend on the tide and would seldom be significant outside the summer months.
- 6.5.9 The Sea Cadets' objection is supported by the Royal Yachting Association (CD228).
- 6.6 **Topbond plc**
- 6.6.1 Topbond plc ("Topbond") was represented by Mr Glenn Springett, the Group Managing Director. The company is based in Castle Road and abuts the Creek, immediately upstream of the site of the proposed bridge. The company owns land that would be compulsorily purchased for the proposals. Topbond is a specialist civil engineering company, working predominantly on the construction and repair of bridges. The firm has a division known as Topbond Marine, involved in pontoon repairs and spares. The company owns several boats and has tested them on the Creek.
- 6.6.2 Topbond welcomes the proposal to build a relief road and to provide a new crossing of the Creek. Its objection is to the Bridge Scheme. The option of an opening bridge has been dismissed without sufficient consideration for its advantages, which could greatly outweigh the additional costs.

Commercial

- 6.6.3 Since the company moved to its present location in 2002, it has found potential for using the Creek as a mode of transport, that would be denied them if a fixed bridge were built.
- 6.6.4 Topbond has submitted a tender to the Olympic Delivery Authority ("the ODA") for the supply of some £6 million worth of temporary footbridges. It proposes to fabricate the bridges in large sections at Castle Road, load them on to barges or on to "Uniflote" floats or similar (either moored to a refurbished wharf at the site's Creek frontage, or secured by ground anchors) and ship them to the Olympic site in East London. The transfer from the yard could be made by mobile cranes that would stand in the yard. The ODA is keen to use environmentally sound delivery methods and aims to transport half of its construction materials in that way. The contract remained unawarded while the Inquiry was sitting. The bridges would need to be completed in 2010. Then, in 2013, they would be removed from the Olympic site, perhaps to return to Sittingbourne for refurbishment prior to re-sale. It is possible that the bridges, if built by Topbond, might be able to leave Topbond's premises before the road bridge is built but their return by the same route would clearly be

precluded. The firm has relied on road transport in other similar work.

- 6.6.5 Topbond's current tender shows the possibilities that retention of the Creek in its current state of navigation would allow. Marshalls' brickworks, immediately downstream of the proposed bridge, had in the past used water transport to deliver bricks. The conjunction of the Creek and industrial premises creates a "unique selling point" which the local authority could use to encourage other businesses to the area, to the benefit of the town and its workforce. Topbond itself would need to recruit extra staff if its Olympic bid succeeds. But such opportunities would be lost if a fixed bridge were built as proposed.

Moveable Bridge

- 6.6.6 The County Council's estimate of the extra cost of a moveable bridge includes a risk factor of 30% to 50%. This unnecessarily inflates the cost. Topbond's own engineer estimated the cost of a very similar design to be much less expensive. But Topbond gave no other estimate in evidence.

Regeneration of Sittingbourne

- 6.6.7 The Borough Council is currently consulting the public about the redevelopment of the area around the head of the Creek. Various local organisations have expressed concern about the fixed-bridge proposal and the Sittingbourne Yacht Club has campaigned for an opening bridge. If the fixed bridge is adopted then any suggestions which involve developing the Creek and its environs will be worthless.
- 6.6.8 It would be disappointing to lose an important part of Sittingbourne's heritage by closing the Creek to marine traffic. The Barge Museum should be celebrated and developed, but the fixed bridge would do it severe damage. There have been plans to build a marina on the Creek – but, if not accessible to sailing boats, that would have diminished appeal. Other water-related recreation would also be inhibited. And housing with waterfront access and berthing facilities is becoming increasingly popular and the opportunity that exists in Sittingbourne should not be precluded. Keeping the Creek navigable and encouraging sailing vessels to come up the Creek could bring considerable benefits to the town.

6.7 Medway Yachting Association

- 6.7.1 Mr Wil Pretty, Vice Chairman of the Medway Yachting Association ("the MYA"), appeared for the Association at the Inquiry. He is the officer of the organisation who deals with matters relating to The Swale.
- 6.7.2 The MYA is an association of yacht clubs. Its objectives are to watch over all matters that are of common interest to leisure users of the waters of the Medway and The Swale, and to take such other steps as it may decide are in the best interests of waterborne sports and pastimes in the area.

Current Use Of Milton Creek

- 6.7.3 The inhabitants of Sittingbourne are mainly unaware of the Creek's existence. The Creek can be reached by the public at two places: via Gas Road, on the western side, or via another Gas Road (off Castle Road) on the eastern side. Both are in unfrequented industrial areas and the average person would feel their vehicle could not be safely left unattended at either Gas Road.
- 6.7.4 The Creek is used by the Sea Cadets, sailing barges going to the Barge Museum, kayakers and personal water craft, dog walkers, ramblers and anglers. The Sittingbourne Yacht Club (a member of the MYA) organise rallies and regattas there a few times a year. There is a slipway and a pontoon at Murston Wharf.

Development Near The Creek

- 6.7.5 Waterside redevelopment is common throughout the Thames Gateway and often associated with residential development. In time the whole length of Milton Creek will become residential. A strategy for the whole Creek is needed, but expansion of the maritime use of the Creek is currently hindered by three factors:
- The threat of a low level bridge.
 - The top of the creek is blighted by the expected AAP8 redevelopment, and there is no public access to the town from there.
 - There are no moorings, and no security for a boat if moored. Boats have not permanently moored in the Creek during the last 30 years, or more.

Conditions In The Creek

- 6.7.6 In many place, inlets from the sea carry surface water runoff from streams at their head, and at times of heavy rain those streams flood and flush out silt that has accumulated in the inlet. But in north Kent the streams that discharge into creeks such as at Milton are fed from the chalk aquifer. The chalk makes the fresh water flow much more uniform. There is no natural flushing effect, and so silt accumulates. This can only be overcome by dredging, as was done when the Creek was used for navigation.
- 6.7.7 Similar circumstances can be found in Faversham Creek, several kilometres to the east of Milton Creek. Faversham Creek has moorings and the town makes it a valued cruising destination, although it is difficult to navigate. HR Wallingford Limited was commissioned by Swale Borough Council, the County Council and others to carry out a feasibility study concerning the future of Faversham Creek. The report, dated October 2006, is document CD205. It recommends a range of actions in Faversham Creek, including dredging.

6.7.8 In Milton Creek, the depth of water at the proposed bridge is 2.8 metres minimum at Mean High Water Neaps. Since craft navigating such a creek are likely to be shoal draught, they are likely to need only 0.5 metres to 1.0 metres of water. A sailing barge draws 1.0 metre. The depth of water at the bridge site is similar to that at Standard Quay in Faversham, and the depth at the head of Milton Creek is similar to that at Conyer Marina. Milton has more water at the proposed bridge site than is at the entrances of Conyer Creek or Oare Creek (a branch off Faversham Creek), where there are 300 sailing boats on mud berths.

Potential Use Of The Creek

6.7.9 To be attractive to boaters, it is essential that a creek should be navigable. There should also be secure berths for visitors, amenities such as public toilets, public houses or restaurants and a town providing somewhere interesting to go. After regeneration, Sittingbourne could provide all those things, and relatively high usage could be expected as a result. A marina and residents' berthing, or a floating marina, would make the Creek more attractive still and it would be surprising if residential berthing was not provided.

6.7.10 At Sittingbourne, the presence of the town could make the Creek a valued cruising destination. The Creek is navigable. Regeneration is proposed at the top of the Creek, which could bring moorings and facilities that would attract boaters. Twenty years ago, Faversham Creek was in a similar condition to that which Milton Creek is now; but Faversham has been regenerated and the creek there is recognised – for example in Swale Borough Council's Area Action Plan No 2 2004 – as "an irreplaceable historic asset of great significance". But it was agreed in examination that there was no evidence of any pressure for such a form of development at Sittingbourne.

6.7.11 The creek is not attractive for motor boats. The tidal window for departure is not large, and the propellers on the bottom of a motorboat are vulnerable to damage if the boat rests on the mud.

6.7.12 The potential users of the Creek include kayaks, personal watercraft, locally launched sailing dinghies, masted sailing boats (whose air draughts range between 7 and 15 metres) including those based elsewhere on the East Coast, sailing barges and commercial use such as that proposed by Topbond. The proposed bridge would prevent passage by all of these except kayaks and personal watercraft. A lifting bridge is therefore needed.

Lifting Bridge

6.7.13 A firm of civil and structural engineers, SSP Consulting Civil and Structural Engineers ("SSP"), has experience in the planning, design, fabrication and installation of moveable bridges. SSP was appointed by Sittingbourne Yacht Club to investigate the option of providing a moveable bridge spanning the Creek (CD138A).

6.7.14 Lifting bridges often provide a cost effective, visually pleasing and low

risk solution. Such bridges have recently been built at London Docklands, Cardiff Docks, Chatham Docks and Forton Lake. Another is planned at Crayford Creek. Such a bridge would be the best solution for all parties at Milton Creek.

- 6.7.15 The proposed lifting bridge would be some 21 metres long, set between piers in the new bridge and with two fixed spans on either side. The navigable opening would be 12 metres wide. The counterweights would be set above the bridge deck. The bridge would be electrically operated by remote control, monitored by CCTV and with traffic signal control on the road. It would take about 1 minute to lift the bridge. The number of openings required is likely to be less than 50 per year.
- 6.7.16 The construction cost of such a bridge is estimated, on the basis of data produced by the London Borough Engineers Group and various other sources, to add about £2 million to the overall construction cost of a fixed bridge. The annual cost for maintenance and operation is not estimated by SSP. They cite a figure, provided by the County Council, of £27,500 each year. In examination, Mr Pretty accepted the overall cost of a lifting bridge, including discounted maintenance during the 60-year assessment period, to be of the order of £4.5 million.
- 6.7.17 There would be an effect on the habitats of birds and other wildlife. Such effects can be mitigated and there is no evidence that birdlife would suffer in the medium to long term as it would appear that birds soon adapt to the local changes.

Delay To Traffic Caused By A Lifting Bridge

- 6.7.18 Traffic is already subject to delays, due to traffic signals, to railway level crossings and to pedestrian crossings. A lifting bridge over the Creek would cause minimal disruption, compared with those. It would open once a day at high tide and then only for 10/15 minutes. The boating season is April to September, and the openings will principally be at weekends. Since the time of high tide varies, regular road users of the bridge would often not be stopped, and on average the delay to any particular user would be 5 minutes.

Global Warming

- 6.7.19 Global warming is expected to cause the sea level to rise appreciably during the 120-year life of the proposed fixed bridge, and that the headroom provided by the bridge should be increased to allow for that. On the basis of material published by Friends of the Earth (who predict a rise of 13 to 95 centimetres between 1995 and 2100), the Climatic Research Unit of the University of East Anglia (who predict a rise of 20 to 100 centimetres between 1765 and 2100) and the Proudman Oceanographic Laboratory (who predict a rise of 80 to 150 centimetres by 2100) (all in Appendix 9 of Mr Bullett's statement, CD138), an extra metre should be provided.
- 6.7.20 The MYA had no evidence about the likely effect on other parts of the Creek and its banks, should such a change take place.

6.8 Mr P J MacDonald

- 6.8.1 The principle of the SNRR is totally supported. It is likely to relieve lorry, commercial and employee traffic around Sittingbourne.

Milton Creek

- 6.8.2 Eighty per cent of the Creek – up to Dolphin Quay - is navigable by Thames sailing barges and masted yachts. Apart from land-based tourists who would come to enjoy a waterside scene, there is the potential for many waterborne tourists particularly from the East Coast and from the Netherlands, Belgium and France. The majority of these use masted yachts. The proposed bridge would exclude such boats.
- 6.8.3 Mr MacDonald therefore objects to the Bridge Scheme. It would exclude all but small power boats and jet bikes from three-quarters of the Creek. This would limit the interests of youth training, waterborne activities, tourism and heritage. It would reduce the quality of life and regeneration possibilities associated with the Creek, to the disadvantage of residents and visitors.
- 6.8.4 A moveable bridge should be provided, and a lifting bridge is to be preferred to a swing bridge. Swing bridges are more expensive and are operationally slower. Lifting bridges are quick to operate, and can often open or close in less than a minute. CD247 presents information about the operation of lifting bridges at Cardiff. The longest bridge there is 10.5 metres long. It opens in 1 minute 57 seconds from the initial signal to traffic, and closes in 1 minute 35 seconds. Pedestrian and all-traffic barriers, warning lights and audible warning systems for traffic take 14 seconds to lower and 5 seconds to raise. A cycle of bridge operation, excluding the passage time for a boat, would therefore be 3 minutes and 51 seconds, and it would take 1 minute for a boat to pass the bridge. The annual maintenance cost of the Cardiff bridge is £4,200.
- 6.8.5 The Milton Creek lifting bridge could have restrictions imposed to allow opening once during a high water cycle, with no openings during traffic peak periods. Most boat traffic would be at weekends, almost eliminating delays to business and commerce. The operational cycle of the bridge would cause little more delay than traffic signals at a busy road junction. Control could be by CCTV and the bridge could be operated remotely, perhaps from King's Ferry Bridge or Swale Borough Council's closed circuit television room.

Navigation

- 6.8.6 Mr MacDonald is an experienced sailor. His boat, a Westerley Consort with bilge keels, is kept at Gillingham and he has sailed up Milton Creek three times this year. He is a trustee of the Barge Museum.
- 6.8.7 It would be foolhardy and dangerous to attempt to remove the mast from a Topper while on board. To do so, one must lift the mast out of a well and that should be done on shore. A Bosun, a larger boat, needs three people to lower its mast and that change should also be made on

shore.

- 6.8.8 It is not apparent that there would be any state of the tide at which a sailing barge could pass the proposed fixed bridge.

Cost Estimates

- 6.8.9 It is wrong of the County Council to have prepared no detailed costings for any part of the project including the bridge alternatives.

6.9 **Additional Matters In Objection To The Proposals Raised In Written Representations**

- 6.9.1 The gist of additional points, not present in the cases of other parties, that were made in written representations submitted by objectors to the proposals is set out in the following paragraphs.

- 6.9.2 The **Kent Wildfowling & Conservation Association** (file CD 136/7) objects to the relief road on the grounds that:

- i) There could be considerable disturbance to wild birds using the nearby Swale SSSI, and there would certainly be considerable disturbance to wildlife using the non-SSSI parts of Milton Creek;
- ii) The Creek might become polluted during the construction phase;
- iii) Because the bridge would be at low level, disturbance will probably continue when the road is in use by virtue of traffic noise and harmful air pollution;
- iv) Traffic accidents on the bridge might cause toxic spills; and,
- v) The low level bridge might interrupt the flight passage of birds along the Creek.

- 6.9.3 The **Cruising Association** (file CD136/22) refers to, but did not submit, a recent report by the organisation Sea and Water, *A Vision For Freight Trends Towards 2018 And Beyond*. They state the report envisages a unified transport policy making much greater use of the transshipment of containers from central hub ports to outlying regional minor ports. Sittingbourne could well benefit from such activity, but the proposed fixed bridge would preclude it.

- 6.9.4 The **Royal Yachting Association** (file CD136/41) objected to the Bridge Scheme on 29 February 2008. They withdrew their objection on 28 May 2008. On 10 July the RYA wrote by e-mail to Kent County Council ("KHS", short for Kent Highway Services, in the e-mail) saying that the RYA does not support the fixed bridge crossing, that it would prefer a lifting bridge and that it supports the objection made by Sub Lieutenant Tansley on behalf of the Sittingbourne and Milton Regis Sea Cadet Unit (CD206). On 15 July the RYA wrote to the Sittingbourne and Milton

Regis Sea Cadet Unit to express the RYA's support for the Sea Cadets' objection to the fixed bridge crossing (CD228).

- 6.9.5 **Various owners of sailing barges** object to the Bridge Scheme since they would be unable to pass the new bridge. These include Mr Owen A J Emerson (file CD136/23) who has in the past operated from Sittingbourne, Mr Peter Dodds of the SB *Mirosa*, based at Faversham (file CD 136/28), Mr Justin Ford of the SB *Henry* (file CD136/42), Mr M R Houston of the SB *Raybel* (file CD136/43) which has visited Sittingbourne several times since the early 1970s, Mr Iolo Brooks of the SB *Adieu* (file CD136/44), who regularly sails to Sittingbourne and the Sailing Barge Association (file CD136/27). The barge blocks at the Dolphin Yard Museum are especially valued, as they are one of the last sets available for use on the east coast. Mr Ford reports there to be up to 30 Thames sailing barges in operation around the Thames estuary.

7 THE RESPONSE OF THE KENT COUNTY COUNCIL

The material points were:

7.1 Response To Hoo Ness Yacht Club

Potential for Boat Access

- 7.1.1 Some of the examples of navigation in the Creek cited by the Yacht Club are unclear. For example, there is no evidence of the type or draught of the traditional sailing boat mentioned by the Club.

Regeneration

- 7.1.2 While it may be the case that regeneration can be assisted by waterfronts, the regeneration of a waterfront need not include allowance for boating activity. A major developer (Spenhill) has put forward a development option for the area which does not include any boating related development.

7.2 Response To Mr G V Lilley

Reduction In Clearance From 6.4 metres To 4.2 metres

- 7.2.1 The reduction from 6.4 metres to 4.2 metres would not to any extent affect sailing boats. Vessels with masts that cannot fit under a 4.2 metre bridge will not fit under 6.4 metres either, because the typical mast of a yacht is significantly greater than this. The MYA considers the masts of relevant sailing vessels to be between 7 and 15 metres. The Rummey report (CD23) identifies that, of 97 motor boat types considered, with lengths of between 5.2 metres and 14 metres, only 4 have an air height of more than 4.2 metres. The balance would be able to pass under the proposed bridge at all stages of the tide. It is therefore unclear how the change in the proposed height of the bridge, from 6.4 metres to 4.2 metres, would affect the ability of boats to reach Murston Wharf.

Feasibility Study

7.2.2 The feasibility study given in evidence by Mr Lilley was prepared in 1993-1994. The lack of progress since then seems to reinforce the points made in the Rummey report. The installation of a tidal flap just upstream of the bridge and the creation of a marina upstream is unlikely to be viable.

7.2.3 Mr Lilley brings no evidence to support his claim that many boat owners would prefer to move their boats to Sittingbourne.

7.3 Response To The Dolphin Yard Sailing Barge Museum Trust

7.3.1 The Barge Museum provides no evidence to show that the position with regard to its lease has changed significantly from the previous uncertain position. No substantial evidence is brought to show that the Museum now has a lease in perpetuity, or that its future on its present site is secure. Nor is it demonstrated that the Barge Museum is a viable proposition.

7.3.2 Following closure, the Barge Museum had two formal opportunities to update the County Council with regard to its position regarding negotiations with its landlord. At the time of the revised planning submission for a 4.2 metre fixed crossing (March 2006), no objection or other communication was received from the Barge Museum. At the time of publishing the Bridge Scheme (January 2007), no objection or other communication was received from the Barge Museum. The Barge Museum did not notify the County Council until 9 January 2008 of its intention to re-open on its present site.

7.3.3 The County Council has continued to develop the proposals in good faith on the assumption that the Barge Museum had left.

7.4 Response to Mr Clive Reader

7.4.1 There is no evidence that the Local Plan Inquiry Inspector made any suggestion that Milton Creek should be returned to any condition which prevailed in the past.

7.4.2 While the case for maintaining the Barge Museum is not disputed, it is not clear that the present location is the most suitable in the future.

7.5 Response To The Sittingbourne And Milton Regis Sea Cadet Corps

7.5.1 A fixed bridge would not prevent the Sea Cadets using the Creek upstream of the proposed crossing, in the way that several Topper dinghies were seen to do on 3 May 2008. Use of the Creek by Cadets must depend on access to a slipway that has water at the start and end of the sailing period. This is a short time and must restrict the length of the Creek that the Sea Cadets can use on a regular basis.

7.5.2 The Sea Cadets refer to dredging in the Creek, but must be aware that there is no dredging of Milton Creek and has not been for 50 years.

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- 7.5.3 The Scheme as proposed leaves the Creek available for sail training and does not impede the use of motor craft. Objectors have given only anecdotal evidence of use of the Creek. No systematically recorded evidence, diary or log book has been presented.
- 7.5.4 If the Secretary of State were to not confirm the Bridge Scheme but indicate that a lifting bridge could be acceptable it is probable that a new planning application would have to be made. That application would have to meet all current regulations and would probably require new ecological, environmental and flood assessments. A series of ecological surveys and reports would themselves take 12 months. It is quite conceivable that the proposals would be delayed by 18 or 24 months.
- 7.5.5 The Cadets compare the traffic effect of the lifting bridge with that of a signal-controlled junction. The preferred maximum signal cycle time at a road junction is 2 minutes. The MYA in their evidence suggest that the closure cycle of a moveable bridge would be 10-15 minutes. Clearly the queue length caused by the bridge would be longer than one caused by signals operating on a 2-minute cycle.
- 7.5.6 The Cadets suggest that a lifting bridge could be operated remotely by the same staff who operate the lifting bridge at King's Ferry. That bridge is operated by Network Rail, not the County Council, and there is no evidence that the suggested arrangement could be achieved.
- 7.6 **Response to Topbond plc**
- Commercial*
- 7.6.1 Topbond has no wharf facilities. To create a wharf would have major environmental and cost implications and would need a number of consents. Topbond has tendered for work on the basis of facilities that do not appear to exist and for which no applications have been made. It is not clear that Topbond could enter into or fulfil any such contract.
- 7.6.2 There is no evidence that in its present state the Creek offers a viable option for commercial use. Any improvement would face major technical and environmental obstacles.
- Regeneration Of Sittingbourne*
- 7.6.3 The regeneration of Sittingbourne is not conditional on unimpeded access to Milton Creek, as shown by Swale Borough Council's support for the SNRR as published.
- 7.6.4 Recreational facilities, downstream of the crossing of Milton Creek, and perhaps in connection with the Country Park and perhaps Church Wharf, would not be constrained by the bridge, subject to overcoming the significant adverse financial and environmental considerations.
- 7.6.5 There are no plans for the form of residential development to which Topbond aspires.
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7.7 Response to the Medway Yachting Association

Current Use Of Milton Creek

- 7.7.1 Access to Milton Creek would be improved by the SNRR as the public footpaths on each side of the Creek would be connected to the footway/cycleway alongside the new road.
- 7.7.2 The future of the Barge Museum is far from certain. The barge blocks there are on private land and it is uncertain whether they will be accessible in the future. Waterborne activities organised by the Sittingbourne Yacht Club involve limited use of the Creek: for example, the recent "Spring Sailing" at Murston was observed as part of a usage survey and involved five dinghies, none of which sailed as far as the bridge site.

Development Near The Creek

- 7.7.3 Development proposals such as those by Mr Lilley have not come forward but that is not due to the proposed bridge; the bridge was proposed several years after Mr Lilley's proposals were made, but no development resulted from his scheme during those years.
- 7.7.4 Whether or not the whole length of Milton Creek will become residential will depend on the Local Development Framework prepared by Swale Borough Council. Spenhill's position is in evidence. The proposed crossing of Milton Creek would not preclude residential development with views of the Creek.

Conditions In The Creek

- 7.7.5 The Creek has not been dredged for 50 years. It has been neglected and is contaminated from bygone industry. This in combination with the lack of boating activity has allowed salt marsh, mud flat and reed bed habitats to flourish. These provide ragworm, mudsnail, peppery furrow snail, crab and winkle on which resident and overwintering coastal birds feed. It is highly likely that birds from the Swale SPA, Ramsar and SSSI site visit the Creek. Many of the birds that feed in this area are statutorily protected. The effect is therefore of national and international importance. Dredging as suggested by the MYA would harm the mud flats and so would adversely affect the birds.
- 7.7.6 Furthermore, if the Creek were dredged as suggested then the likely contaminants in the mud would be re-mobilised, with potentially severe effects on the bass, flounder, mullet and eels known to be in the Creek.
- 7.7.7 Material from the Sittingbourne Yacht Club web site is reproduced as Appendices 1 and 2 of CD169. They include "Milton Creek – Navigation Notes" and "What to do at Milton Creek". They confirm, among other things, a lack of formal marks in the channel; reference to debris in the channel and a need to check at low tide to identify any hazards before allowing a boat to sit on the mud; that the Creek can be entered 2 hours either side of high tide, depending on the draught of the boat; and that

when drying out (allowing a boat to sit on the mud) near Gas Road (west of the Creek) the mud is very steep and the mooring was not comfortable. Appendix 21 of Mr Pretty's evidence shows extracts from a navigation chart of The Swale, but no soundings are provided on the Creek. The MYA's evidence emphasises the difficulty of navigating the Creek.

Potential Use Of The Creek

- 7.7.8 Commercial users of Milton Creek would require it to be dredged but, for the reasons given, this is unlikely to be practicable.
- 7.7.9 The MYA invites comparison of Milton Creek with Faversham Creek. Faversham has the advantage of established and ongoing use. Additionally, Faversham is a quaint and attractive historic market town whereas Sittingbourne is a semi industrial town with little attraction for visiting boaters.
- 7.7.10 The MYA's case is based on the premise that regeneration will transform Milton Creek and all will be different. But waterborne access in Milton Creek is so poor as to deny that premise. The MYA suggests that a lifting bridge would open once a day, for 10 or 15 minutes, mostly at weekends and between April and September; but it is hard to understand how regeneration would be generated with such fragmented use. Furthermore, some high tides would be Neaps with insufficient water for vessels to navigate.

Delays Caused By Changes To The Proposals

- 7.7.11 If the Secretary of State were to find that an opening bridge ought to be considered in more detail, several procedural processes would have to follow. A new planning application and perhaps new ecological surveys would be needed, taking 12 months or more, and a further Inquiry would be a distinct possibility.

Global Warming

- 7.7.12 Any structure crossing Milton Creek would have a design life of 120 years and so would be coming to the end of its useful life at the time when the MYA considers it should have an increased clearance. The Environment Agency has been involved in the development of the proposals on an ongoing basis and their requirements have been met. There has been no suggestion that the bridge clearance should be revised in the context of future flood risks.

7.8 Response To Mr P J MacDonald

Milton Creek

- 7.8.1 Mr MacDonald proposes restrictions on the operation of a lifting bridge in the Creek. This obstacle would sit alongside the need to time a passage plan into this tidally restricted Creek and would tend to deter visits by waterborne tourists of the type Mr Macdonald says would potentially visit

the Creek. A significant visitor population based on the current situation therefore seems unlikely.

Cost Estimates

7.8.2 At this stage of a major project it would be most unusual to have a detailed design for any element. The County Council's cost estimates for the proposals and moveable bridge alternatives have been prepared on a reasonable basis. They have been included in the County Council's assessment of the relative cost of the options considered, the effects they would have on road traffic and the effects they would have on navigation in the Creek. There is no dispute that a lifting bridge would cost more than a fixed bridge.

7.9 Additional Evidence Of Kent County Council In Response To Points Put In Objection By Written Representation

Wildlife And The Environment

7.9.1 Consultations have been held with Natural England (and, previously, English Nature). The Environmental Statement (CD64, CD65, CD66, CD67, CD68) has been made available to them. They do not object to the proposals on grounds of harm to wildlife.

7.9.2 The County Council accepts that building the road would cause disturbance, but the long-term effect of the road and its use would be slight.

8 CONCLUSIONS

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

I consider general matters first. I then conclude on objections to the proposal that is the subject of the Orders and Scheme that were before the Inquiry. In doing this, I consider first the objection raised to the principle of the new road and bridge. Secondly I consider, as a group, the objections to the Bridge Scheme. I then conclude on the Orders and on the Bridge Scheme.

8.1 General Matters

Environmental Assessment

- 8.1.1 The Environmental Statement (CD64, CD65, CD66, CD67, CD68) [7.9.1], its Appendices and supporting figures and photographs and related comments made by statutory consultees and others have all been taken into account in the preparation of this report, as has subsequent evidence given at the Inquiry regarding the environmental effects of the proposed works.

Appraisal Summary Table

- 8.1.2 No Appraisal Summary Table (AST) for the proposals in their current form was before the Inquiry. Inquiry Document CD34 (part of the major scheme bid made in 2004 as part of the Local Transport Plan for Kent 2001-2006 [4.3.6]) includes as Appendix F an AST for the design that was preferred at that time but that differed from the current proposal in that a 6.4 metre clearance at MHWS tides would be provided beneath the bridge over Milton Creek, and in various other ways. There was no challenge to that AST.

Procedural Delays To The Project

- 8.1.3 The County Council refers to the delay, of 18 or 24 months, to the proposals that it considers might arise if the need arose to once again seek planning permission should the design be modified by, for example, the incorporation of a lifting bridge [7.5.4, 7.7.11]. While that might be factually correct, it seems to me that such an argument has little bearing on the merits of the proposals or of the draft Orders and that if more than little weight were attributed to such an argument then the Scheme and the Orders would have an inertia contrary to the purpose of the Inquiry. I therefore attribute very little weight to such an argument wherever it is put.

8.2 Representations Regarding The Principle Of The Project

Benefits Associated With The Scheme

- 8.2.1 There is no dispute that, by allowing traffic to avoid congested roads near the centre of Sittingbourne, the Sittingbourne Northern Relief Road

would improve the accessibility of the town's main industrial area and would thereby improve the economic performance of the town [4.1.6]. Nor did any party contest the propositions that important development sites, including a 75-hectare site at the head of the Creek, depend on the SNRR [4.1.7], or that there is a pressing need for regeneration in Swale and particularly in Sittingbourne, or that the current transport system in Sittingbourne constrains development [4.1.3, 4.1.4]. And there was no challenge to the promoter's view that the SNRR is supported by development plan policy at the national, regional, County and local levels, and by other relevant policy frameworks [4.2.3].

- 8.2.2 The proposals would reduce journey times and traffic accidents. The estimated discounted value of the benefits associated with the proposals over the 60-year assessment period is £732,892,000 and its estimated discounted cost over the same period is £71,562,000. The proposals have a Benefit:Cost ratio of 10.24 [4.5.4, 4.5.5].

Objections Other Than To The Bridge Scheme

- 8.2.3 All but one objection before the Inquiry related exclusively to the proposed clearance below the new bridge and I deal with that matter in due course. Objections to the Bridge Scheme did not challenge the need for the SNRR.
- 8.2.4 One objection, that of the Kent Wildfowling & Conservation Association, raised various other matters. Their additional concerns, set out in a written representation, are that the new road would disturb wildlife or cause harm by virtue of noise, air pollution or toxic spills [6.9.2].
- 8.2.5 The promoter's evidence, unchallenged at the Inquiry, is that birds are expected to adapt to traffic noise [4.6.9]. Air quality would remain good [4.9.2]. The drainage system would include arrangements to prevent pollutants being discharged into the Creek or other watercourses and those arrangements have been agreed by the relevant bodies [4.4.8]. Nevertheless, there would be some residual harm to wildlife at the bridge site, which is in the Milton Creek Site of Nature Conservation Interest. There would be some loss of feeding ground [4.6.9]. But there would be compensation for that in various details of the proposals and by ecological improvements elsewhere: an approach agreed with the Kent Wildlife Trust [4.6.2].
- 8.2.6 It therefore seems to me that the objection of the Kent Wildfowling & Conservation Association would be met by the actions the promoter would take and that I have outlined above.

Finding On The Principle Of The Scheme

- 8.2.7 I therefore find that the Sittingbourne Northern Relief Road has merit, and that its merit is such as to outweigh the objection raised to the principle that it should be built.

8.3 **Objections To The Bridge Scheme**

8.3.1 Objectors to the Bridge Scheme contend that the proposed bridge would be too low and therefore counter to the reasonable requirements of navigation over the waters affected by the Scheme [6.1.1, 6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.6.2, 6.7.12, 6.8.2].

8.3.2 The waters affected by the Scheme include Milton Creek.

8.3.3 Objectors considered that the Scheme bridge would be counter to the reasonable requirements of navigation in one or both of two broad situations:

- i) The current situation; and,
- ii) The future.

Current Navigation In The Creek

8.3.4 i) Hoo Ness Yacht Club gave evidence that the Creek is now used by yachts, sailing barges and other sailing boats. The Harbourmaster's launch has been seen in the Creek. But boat visits remain exceptional and the Yacht Club has no record of the total number of visits [6.1.5].

ii) Mr G V Lilley [6.2] brought no evidence relating to current use of the Creek.

iii) The Dolphin Yard Sailing Barge Museum Trust [6.3] brought no evidence regarding current use of the Creek. Sailing barges visit the Museum to use its repair facility (barge blocks) but there was no evidence of the frequency of such visits. The Sailing Barge *Celtic* was at the Museum for repairs at the time of the Inquiry which were expected to take several years. *Celtic's* owner is Mr R Dixon [6.3.3]. Mr Dixon made no objection to the Bridge Scheme. The possibility that sailing barges might be able to pass the bridge at various stages of the tide was canvassed at the Inquiry. It seems to me from the evidence given that such a passage might be attempted only in the most exceptionally favourable circumstances, involving the removal of the barge's mast by a crane elsewhere, a small sailing barge and a potentially narrow fit beneath the bridge [4.11.23, 4.11.24, 6.8.8]. I conclude that to rely on a view other than that sailing barges in general could not pass the bridge, would be unsound. But the Museum has no sailing barge, and the barge block repair facility it offers, is described as one of the last sets on the east coast, and so is not unique [6.3.3, 6.9.5]. The Museum has been prepared to move elsewhere [6.3.4] and could still fulfil its underlying purpose without visits by sailing barges [4.4.17]. To my mind, visits to the Museum by sailing barges are essential neither to the Museum nor to the sailing barges.

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- iv) Mr Clive Reader [6.4] brought no evidence relating to current use of the Creek.
 - v) The Sittingbourne and Milton Regis Sea Cadet Corps uses the Creek regularly and has an extensive sailing programme [6.5.3]. The evidence put to the Inquiry was that on some of the events in that programme, boats did not pass the Bridge site but on others, particularly events constituting Stages 2 and 3 of the 3-stage training programme the Sea Cadets provide, they would [6.5.4].
 - vi) The Sea Cadets also contend that access to the Creek must be maintained for vessels large enough to dredge the Creek [6.5.7]. But the evidence is that the Creek has not been dredged for 50 years [7.5.2] and that there was no appreciable change in the amount of silt in the Creek between surveys made in 1982 and 2002 [4.11.6] or even 1969 [6.1.4].
 - vii) Topbond plc brought little evidence of current use of the Creek. Its boats had been tested there. Its neighbour to the north, Marshalls, had sent freight by water in the past [6.6.1, 6.6.5].
 - viii) The Medway Yachting Association referred to use by the Sea Cadets, by sailing barges going to the Museum, by kayakers and personal water craft. Rallies and regattas are organised a few times a year by the Sittingbourne Yacht Club [6.7.4].
 - ix) Mr P J MacDonald [6.8] brought no evidence relating to current overall use of the Creek. He had sailed up the Creek three times in 2008 before the Inquiry.
 - x) The promoters had undertaken two surveys of use of the Creek. One was on the day of a sailing event organised by the Sittingbourne Yacht Club. No boat made its way as far downstream as the Bridge site [4.11.13]. The second survey was of two days at a weekend in May 2008 when tidal conditions in the Creek were good. No boat was seen in the Creek [4.11.14].
 - xi) The Port of Sheerness Limited, the Ports Authority, gave evidence by written representation that there is currently no use of the Creek for commercial purposes and very limited recreational use. There were no licensed users of the Creek based there at 1 May 2008, and no operational recreational moorings [5.2.1].
 - xii) Various owners of sailing barges reported by written representations that they had navigated the Creek at least as far as the Sailing Barge Museum [6.9.5].
 - xiii) It was common ground that the Creek is unattractive to motor boats, other than on brief visits. Boats which remain in the Creek when the tide is out must rest on the mud, and motor

boats are more likely to be damaged by that than are other boats [4.11.9, 6.7.11].

The Effect The Proposed Bridge Would Have On Existing Navigation In The Creek

- 8.3.5 If the proposed bridge were built, its draught would prevent passage at the bridge site at Mean High Water Spring tides by boats more than 4.2 metres high above the water. This would affect the existing use of the Creek in the following ways:
- i) The exceptional visits by yachts and the like mentioned by the Hoo Ness Yacht Club and Mr MacDonald to locations upstream of the bridge site would no longer be possible.
 - ii) Sailing events organised by the Sea Cadets for their Stage 2 and Stage 3 events would no longer be possible from Sittingbourne. It would be necessary for those events to start elsewhere. The Sea Cadets sometimes sail from Sheppey and occasionally from elsewhere. This would be inconvenient for the Sittingbourne Unit, who would have more difficulty in finding the resources necessary for travel than do some Sea Cadet Units based away from the sea [6.5.5]. The balance of the evidence on the use of a tabernacle to lower a vessel's mast while it is under way indicates to me that such a practice is not without hazard and should not form a basis of the analysis of the Bridge Scheme [4.11.23, 6.8.7].
 - iii) There are up to 30 sailing barges in operation around the Thames estuary [6.9.5]. Three owners report, in written representations, their vessels to have visited Sittingbourne, and one does so regularly, at an unstated frequency. There is another at the Museum, undergoing repair. Visits to the Museum by sailing barges are essential neither to the Museum nor to the sailing barges [8.3.4 iii]) and so the loss of such visits would be of limited significance.
- 8.3.6 Kayaks, personal water craft and motor boats with an air draught of less than 4.2 metres would be unaffected by the proposed bridge. The motor boats shown in evidence to use the Creek are the safety boats used by the Sea Cadets and the Harbourmaster's launch [6.5.3, 6.1.5]. The safety boats could clearly pass the proposed bridge and the Port Authority supports the Bridge Scheme [5.2.1].
- 8.3.7 The bridge would affect existing navigation on the Creek insofar as it would prevent exceptional visits by yachts, it would require the Sea Cadets to do as some other Sea Cadet Units do (and as they themselves do from time to time) by starting some of their sailing events elsewhere, and it would have no more than a limited, local effect on sailing barge movements. The current use of the Creek is minimal [6.1.8].

Future Navigation In The Creek Without An Obstruction At The Bridge Site

- 8.3.8 Several objectors contend that improved facilities should be provided in or around the Creek that would attract boaters, to the benefit of the town [6.1.10, 6.2.5, 6.4.2, 6.6.7, 6.7.10]. But there was no evidence that this is more than an aspiration on their part. Mr Lilley had sought to bring about such a development some 15 years ago but has so far met with no success [6.2.2, 7.2.2], and there was no evidence of any such proposal by anyone else. To my mind, there is therefore no reason for confidence that the aspiration will be realised in future. The local planning authority has yet to produce the Supplementary Planning Document that will embody the Masterplan for the area required by Policy AAP8 of the Swale Borough Local Plan 2008 [4.2.4]. The major landowner in the area, Spenhill, intends to redevelop the area at the head of the Creek but believes that commercial or residential marina development there is not viable and intends to promote no marina, jetties or moorings along the Creek [5.2.4].
- 8.3.9 There is no evidence of any current intention to improve boating facilities near the head of the Creek by any organisation in a position to do so [6.7.10]. Nor am I confident that such improvements would be made elsewhere in the Creek.
- 8.3.10 The County Council commissioned a study of the potential for leisure berthing development in the Creek (the Rummey report, CD23) [4.11.1]. This found that, even if more boaters were prepared to enter the Creek in its current state (that is, without navigational improvements) – a presumption to which the report’s authors do not subscribe – the provision of mooring facilities in the Creek would not be a viable business proposition [4.11.19]. That finding was not seriously challenged. The same report also considered the creation of a marina in the Creek, in which vessels might stay afloat at all stages of the tide (as the market prefers) but this too was found unviable, even if the cost of building the marina was met by others [4.11.20]. No evidence was brought to suggest otherwise, although some other aspects of the Rummey report were criticised by objectors. That criticism focussed on the ability of boats of various sizes to transit the Creek.
- 8.3.11 The County Council considers that boats in the Creek would require a clearance of some 0.6 metres beneath the hull or keel; that boats in the Creek would travel at about 2 knots, taking about an hour to transit the Creek; and that those factors and the length of the Creek and its shallowness, affect the ability of boats to reach the head of the Creek. In their submission, boats of 1 metre draft would often be unable to reach the Creek head but could do so at certain times and, if well-timed, could spend up to 2 hours 40 minutes at the head of the Creek on Spring high tides [4.11.7]. Larger boats of 1.8 metres draught could not reach the head of the Creek other than at a Spring high tide but would be obliged, by the turning tide, to return to deeper water immediately [4.11.8].
- 8.3.12 The Hoo Ness Yacht Club and the Medway Yachting Association contested this approach. Conditions in Milton Creek are comparable to those in

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- nearby Faversham Creek and Oare Creek, if not better, and those creeks are well used. Many craft on the east coast draw less than the 1 metre considered in the County Council's analysis, and boaters throughout the area are familiar with techniques such as "touch and go" whereby a boat can operate in water little deeper than its own draught [6.1.3, 6.7.8]. They consider the Creek to be navigable [6.1.5, 6.7.10].
- 8.3.13 The County Council's approach is to a degree contradicted by their note of the accompanied site visit I made at about high water on 10 July by boat along the Creek. The boat took 35 minutes to travel the length of the Creek, and has a draught of 0.5 metres [4.11.15].
- 8.3.14 It seems to me that the County Council's analysis overestimates the difficulty that an east coast sailor in an appropriate boat would have in navigating the length of the Creek. I am satisfied that, to such boaters, the Creek is navigable. It also seems likely to me, since similar conditions prevail in other, well-used, creeks, that there are very likely to be many boaters in the east coast area with the skills and vessels to successfully navigate the length of Milton Creek, should they so choose.
- 8.3.15 Yet, as I have found, the evidence is that such boaters do not, by and large, choose to sail in Milton Creek. There seem to be manifold reasons which may account for this: the narrow tidal window, the lack of navigation marks, the need to check for debris in the mud by visiting the Creek when the tide is out, the mooring opportunities which are either uncomfortable or lacking, the risk of vandalism to unattended boats in the Creek, the very limited opportunities for access between the Creek and Sittingbourne [7.7.7, 6.5.5, 6.7.3]. Redevelopment at the head of the Creek might address the last of these, but there was no evidence that any of the other matters identified would be resolved. It therefore appears to me that most boaters would continue to choose not to navigate to Sittingbourne.
- 8.3.16 The Sea Cadets argue that the Creek should be dredged [6.5.7], and they are supported in this by Mr Reader [6.4]. But the evidence is that the Creek has not been dredged for 50 years and that the bed profile has changed little since at least 1969 [7.7.5, 6.1.4]. Dredging would be environmentally damaging and very expensive [4.11.10], and the Port Authority would be most unlikely to consent to such dredging because of the harm it would cause [5.2.2].
- 8.3.17 Topbond plc identify a potential new use of the Creek, as a transport route for partially-assembled steel structures from their works at the side of the Creek [6.6.3]. This would be consistent with the approach to short haul shipping reportedly advocated by the organisation Sea And Water [6.9.3]. Topbond believe this would give them, and perhaps other firms fronting the Creek, a commercial advantage; but that was unproven at the close of the Inquiry. The firm has previously relied on road transport in other similar work [6.6.4]. The bridge would prevent the use of the Creek in this way.
- 8.3.18 I therefore find that future navigation in Milton Creek without an obstruction at the bridge site would:
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- i) Not be changed from the current situation as a result of providing new facilities at the creek side for boaters, since there is no evidence that any such facilities would be provided;
 - ii) Not be changed from the current situation as a result of improvements to navigation in the Creek, since there is no evidence that any improvements would be made; and
 - iii) Possibly increase from the current situation if Topbond's aspiration to use the Creek for the despatch of fabricated steelwork elements proves competitive.

The Effect The Proposed Bridge Would Have On Future Navigation In The Creek

- 8.3.19 The proposed bridge would affect future navigation in the same way that it would affect current navigation, plus the effect it would have on additional future traffic. That is, it would prevent exceptional visits by yachts, it would require the Sea Cadets to do as some other Sea Cadet Units do (and as they themselves do from time to time) by starting some of their sailing events elsewhere, it would prevent visits by sailing barges, which would be of limited significance, and it would deny Topbond's aspiration to use the Creek for the despatch of fabricated steelwork elements, should that prove competitive.
- 8.3.20 The Medway Yachting Association supports the idea of a lifting bridge instead of a fixed bridge and estimates that the number of times such a bridge would need to be opened to allow a vessel taller than 4.2 metres to pass would be less than 50 per year [6.7.15]. Since such a bridge would open once to admit a boat to the upper Creek and again to allow the boat to pass downstream, this corresponds to a total of some 25 affected boats making return trips to or from the upper Creek each year. The Hoo Ness Yacht Club considers 25 affected return boat trips the minimum likely volume, but brought no evidence to support that or any other figure [6.1.8]. There was no other estimate of the likely number of such trips.

Alternative Bridge Type: A Lifting Bridge

- 8.3.21 The Medway Yachting Association promoted a lifting bridge as an alternative to the fixed bridge the Scheme would allow, and were supported in that by others.
- 8.3.22 The matter of a lifting bridge alternative was raised during the County Council's considerations at the time of granting planning permission for the SNRR [4.4.11]. The County Council estimates the additional cost of building a bascule lifting bridge (the less expensive option) to be of the order of £2.5 million, and the commuted sum equivalent extra cost of its operation and maintenance to be between £0.5 million and £3.5 million, depending on the frequency of use and on future discount rates [4.4.12]. The MYA had obtained professional advice on the matter and agreed that the overall extra discounted cost of a lifting bridge would be of the order of £4.5 million [6.7.16].

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- 8.3.23 The side-effects of a lifting bridge would include the need for more extensive works in the Creek, likely to increase the environmental harm caused there by the proposals (which has not been fully assessed); and disruption to traffic flow along the new road when the bridge was opened for navigation [4.4.13, 4.4.14].
- 8.3.24 The traffic effects of opening the bridge to navigation would depend on the duration of the road's closure to traffic, and the volume of passing traffic at the time. The County Council estimated that the road would be closed for 8 minutes to allow a boat to pass [4.4.14]. Others suggested 3 minutes [6.1.9], 4 minutes 51 seconds [6.8.4] or 10 to 15 minutes (once per day, at high tide) [6.7.18]. If the bridge were closed to traffic for 10 minutes during the road traffic interpeak period (between 10:00 and 16:00) then the queues that might form would be of the order of twice the road length that would be available between the bridge and Castle Road roundabout (to the east) and about two-thirds of the available road length between the bridge and the Ridham Avenue roundabout (to the north-west) [4.5.3]. It therefore seems to me that operation of a lifting bridge in that period would be likely to cause congestion extending back past the Castle Road roundabout, but not reaching to the Ridham Avenue roundabout. This would happen on about 50 occasions each year, probably during the months of April to September [6.7.18]. If some of the bridge openings happened during the traffic peak hours, then congestion would be worse. If some openings happened in the evening or early morning, when traffic flows are lighter, there would be less congestion. It seems to me that, even if some traffic were to divert from the SNRR to other routes such as Eurolink Way, the overall traffic benefit the SNRR would bring would be only very slightly compromised by a lifting bridge that was used only 50 times a year.
- 8.3.25 A lifting bridge would be of relative benefit (compared with the Scheme bridge) to navigation in the Creek in that it would avoid the changes to Creek traffic that a fixed bridge would impose. Those imposed changes would be:
- i) The loss of about 25 visits to the Creek per year by sailing boats;
 - ii) The need for the Sea Cadets to make other arrangements for some of their sailing events;
 - iii) The loss of the opportunity for sailing barges to pass the bridge site, an opportunity that is currently seldom taken and upon which neither sailing barges nor the Museum rely; and,
 - iv) The loss of the opportunity for Topbond (and any other Creek side businesses upstream of the bridge that should wish to do so in future) to despatch or receive items by water, an opportunity that is currently not taken but which Topbond hopes to take. I attribute less weight to this than I would if the opportunity was taken and found to be commercially worthwhile.
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- 8.3.26 A lifting bridge would also have the benefit of bringing a sense of occasion to the area when it is operated, and the passage of boats that it would allow would add interest to the landscape [4.7.8]. But those would be intermittent effects, experienced only infrequently, whereas the greater adverse effect that such a bridge when not in use would have on the landscape [4.7.8] would be apparent at all other times.
- 8.3.27 Against those benefits, I weigh the relative disadvantages to the public interest that a lifting bridge would bring:
- i) An extra cost of £4.5 million;
 - ii) Interruption of traffic flow on the new road, as I have described, on about 50 occasions each year;
 - iii) Some additional ecological harm in the Creek, not yet assessed; and
 - iv) A greater adverse impact on the landscape than the Scheme proposal, other than when it is opened to navigation or when sailing boats are approaching it [4.7.8].
- 8.3.28 The County Council argues that a change to a lifting bridge would be against the public interest in that provision of a bridge would be delayed by perhaps 18 or 24 months [7.5.4, 7.7.11] but, for the reason given [8.1.3] I attribute very little weight to that.
- 8.3.29 I conclude that the disadvantages to the public interest that a lifting bridge would bring are not outweighed by its benefits to navigation and other benefits. It need therefore not be pursued.
- Alternative Bridge Type: A Fixed Bridge With 6.4 Metre Clearance***
- 8.3.30 This alternative is supported by the Dolphin Yard Sailing Barge Museum Trust and by Mr Lilley.
- 8.3.31 A 6.4 metre air draught would be enough to allow passage by sailing barges with their masts removed [6.3.7], the Sea Cadets' Topper sailing boats [6.5.4] and some motor boats larger than those that could pass the Scheme proposal. It would exclude other masted sailing boats that the Medway Yachting Association expects might otherwise visit the Creek, with their air draughts of more than 7 metres [6.7.12]. All but a few motor boats up to 14 metres long have an air draught of less than 4.2 metres [7.2.1].
- 8.3.32 The evidence is that training events using the Sea Cadets' Topper boats can be conducted upstream of the bridge site [6.5.4]. And motor boats generally find the Creek unattractive, because of the need for them to sit on the mud and the consequent risk of harm to them [4.11.9, 6.7.11].
- 8.3.33 The benefits that this alternative would bring, beyond those associated with the Scheme bridge, would therefore be that:
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- i) Sailing barges with their masts removed could pass along the Creek. I have found that the opportunity for them to do so (without the need to remove the mast) at present is seldom taken, and is not essential.
- ii) Of the few larger motor boats that would be excluded by the Scheme bridge but could pass the higher fixed bridge, those whose owners do not find the Creek unattractive could continue to pass the bridge site.
- 8.3.34 Against those benefits, I weigh the relative disadvantages to the wider public interest associated with the higher bridge [4.4.15]:
- i) Additional cost, which was not quantified;
- ii) A higher embankment over poor ground conditions in the former landfill to the west of the crossing;
- iii) The higher bridge's greater visual impact;
- iv) A greater barrier effect to wildlife, particularly birds, in the Creek; and
- v) A greater road gradient and visual impact to the east of the Creek.
- 8.3.35 I conclude that the benefits to navigation associated with a bridge with 6.4 metre clearance above MHWS tides, in comparison with a bridge with 4.2 metres clearance, do not outweigh the relative disadvantages to the wider public interest. The higher bridge therefore need not be pursued.
- Regeneration Of Sittingbourne***
- 8.3.36 It was contended that the regeneration of Sittingbourne would be assisted if the new bridge was of an opening or higher type [6.4.2, 6.6.8], in that this would engender an active waterfront which would be good for the town. But the evidence I have found is that, even if an opening bridge were provided, only about 25 boats would be likely to visit the town in each year. It seems to me that activity at that low level would be unlikely to stimulate very much regeneration in Sittingbourne.
- 8.3.37 The relationship between the Creek and the regeneration of the town was considered in the preparation of the Swale Borough Local Plan 2008. But nothing in the Local Plan suggests that regeneration would depend on maritime access via the Creek; rather, it suggests development design, public art and more tourist attractions as ways of celebrating the area's association with the Creek and its barge and brick building heritage [4.2.5].
- 8.3.38 I find that the Bridge Scheme proposal is not in conflict with the aim of regenerating Sittingbourne.
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Global Warming

- 8.3.39 The Medway Yachting Association put the case that global warming would cause sea levels to rise appreciably during the expected life of the bridge. The design makes no allowance for this, and so the MYA believes the bridge should be built a metre higher than proposed [6.7.19].
- 8.3.40 The Bridge Scheme has been the subject of consultation with the Environment Agency, and their recommendations are included in the design [7.7.12]. The Port Authority supports the Scheme proposal [5.2.1].
- 8.3.41 It is clear that, should sea levels rise generally, there would be times when the 4.2 metre air draught beneath the bridge (identified at current MHWS tides) would not be available. This would be the case even without sea level rise, since some spring tides are higher than mean high water. But, if the sea level rose, there would remain many times at lower states of the tide when at least a 4.2 metre air draught would be available at the bridge and water levels equivalent to current MHWS would be available in the Creek; and at those times the current navigation opportunities would still be found.
- 8.3.42 I therefore find no reason to vary the bridge design in response to the Medway Yachting Association's views of the effect of global warming on sea levels.

8.4 Conclusions On The Orders And The Bridge Scheme***Introduction***

- 8.4.1 The following unconfirmed Orders and Bridge Scheme were before the Inquiry:
- i) The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (No. 2) (Side Roads) Order 2007, made under sections 14 and 125 of the Highways Act 1980.
 - ii) The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007, made under sections 239, 240, 246 and 250 of the Highways Act 1980, as extended and supplemented by section 250 of that Act and incorporated with parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981.
 - iii) The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007, made under section 106(3) of the Highways Act 1980.

Tests To Be Applied To The Orders And The Bridge Scheme

- 8.4.2 In considering the Orders and the Bridge Scheme, I have regard to the following legislative or other requirements as appropriate to each:

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- i) Section 14 of the Highways Act 1980 (the 1980 Act) allows the stopping up of a highway in the circumstances the Act describes, among which are the requirements that:
 - a) the highway will be otherwise affected by the scheme, or for any purpose incidental to the scheme; and
 - b) another reasonably convenient route is available or will be provided before the highway is stopped up.
 - ii) Section 125 of the 1980 Act allows the stopping up of a private means of access to premises only if either no access to the premises is reasonably required, or if another reasonably convenient means of access is available or will be provided.
 - iii) If a Compulsory Purchase Order is to be made, then Government guidance as set out in ODPM Circular 06/2004 (document CD150) is that:
 - a) There should be a compelling case in the public interest that sufficiently justifies interfering with the human rights of those with an interest in the land affected;
 - b) The acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire;
 - c) Sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order and to implement the scheme; and,
 - d) There should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.
 - iv) Section 107 of the 1980 Act requires that before confirming a Scheme which provides for the construction of a bridge over navigable waters, the reasonable requirements of navigation over the waters affected by the Scheme shall be taken into account.

The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (No. 2) (Side Roads) Order 2007

8.4.3 This Order would stop up various highways and private means of access necessary to accommodate the proposed road, and would where necessary provide alternative new highways or private means of access.

8.4.4 No matter was raised in objection to the Side Roads Order.

Conclusion: Side Roads Order

- 8.4.5 I conclude that The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (No. 2) (Side Roads) Order 2007 should be confirmed without modification.

The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007

- 8.4.6 Topbond Holdings Limited own Plot 25 and (jointly with another) own Plot 26, identified in the Schedule to the Compulsory Purchase Order. Topbond plc appeared at the Inquiry but their objection relates solely to the Bridge Scheme.
- 8.4.7 No matter was raised in objection to the Compulsory Purchase Order.

Compliance: Compulsory Purchase Order

- 8.4.8 For the reasons given in paragraphs 8.2.1 and 8.2.2, I am satisfied that there is a compelling case, in the public interest, for the Sittingbourne Northern Relief Road. No human rights issue was raised at the Inquiry, and I am satisfied that the need for the project sufficiently justifies interfering with the human rights of those with an interest in the land affected.
- 8.4.9 The County Council has sufficiently shown [4.3.8] how it would use the land it proposes to acquire.
- 8.4.10 The proposals would be funded through the DCLG Sustainable Communities Programme, the Local Transport Plan (LTP), and a planning obligation under section 106 of the Town and Country Planning Act 1990 [4.3.5, 4.3.7]. The LTP contribution is conditional upon, among other things, the securing of other contributions [4.3.6]. I therefore have no doubt that, should the Secretary of State be minded to accept my recommendations, she will seek reassurance that the whole of funding will be in place in such a way as to allow the project to proceed, including the compulsory acquisition within the statutory period following the confirmation of the Order and thereafter to implement the proposals.
- 8.4.11 There is no evidence that the project could not proceed nor, in my view, any grounds to reasonably consider it would be blocked by any impediment to implementation.

Conclusion on the Compulsory Purchase Order

- 8.4.12 I conclude that The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007 should be confirmed without modification.

The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007

- 8.4.13 The Bridge Scheme would allow the construction of a bridge over Milton Creek that, by virtue of the clearance it would provide above the water, would prevent certain types of craft from passing the bridge. Alternative bridge forms were considered at the Inquiry.
- 8.4.14 A lifting bridge or a higher fixed bridge would serve the requirements of navigation to a greater extent than would the Bridge Scheme proposal. But in each case the practical difference to navigation would be small, particularly in terms of the number of trips to or from the Creek that would be affected. I have found that, in each case, the benefits to navigation that the alternative bridge type would allow would not outweigh the harm to the wider public interest associated with the alternative bridge type and, for that reason, that neither alternative need be pursued [8.3.29, 8.3.35].

Conclusion On The Bridge Scheme

- 8.4.15 I now turn to the evidence given regarding the requirements of navigation over the waters as affected by the Bridge Scheme. The Port Authority supports the Bridge Scheme [5.2.1]. I have considered the effect that the Bridge Scheme would have on existing and future navigation in the Creek [8.3.5, 8.3.19] and to my mind that effect would be slight, by virtue of the small number of boat movements that would be affected and, particularly for the Sea Cadets and for Topbond, the availability of alternatives [8.3.7, 8.3.17]. Having considered the alternatives suggested and found that they need not be pursued, in view of the wider benefits the Sittingbourne Northern Relief Road would bring [8.2.1, 8.2.2], and having considered all other matters raised, I conclude that The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007 should be confirmed without modification.

9 RECOMMENDATIONS

- 9.1 I recommend that the following Orders be confirmed without modification:
- i) The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (No. 2) (Side Roads) Order 2007; and,
 - ii) The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007.
- 9.2 I also recommend that The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007 should be confirmed without modification.

J. P. Watson

INSPECTOR

APPENDIX 1 – APPEARANCES

Kent County Council Represented by Mr Timothy Comyn, of Counsel;
instructed by Mr James Catterall, Solicitor
to Kent County Council, County Hall,
Maidstone, Kent ME14 1XQ.

He called:

Mr Richard Feasey BA MA MPhil PDPA MRTPI, Planning Policy Manager, Kent County Council

Mr John Farmer CEng MICE MIHT, Major Projects Manager, Kent Highway Services, Kent County Council

Mr James Freeman BA(Hons) BTP DMS MRTPI, Head of Development Services, Swale Borough Council

Mr George Chandler, Regeneration and Projects Manager, Kent County Council

Mr Mike Ward, Director, Marina Projects Limited

Mr Charles Jones BSc(Hons) CEng MICE, Technical Director, Jacobs Engineering UK Ltd

Mr Thomas John Payne MICE, Consultant, Jacobs Engineering UK Ltd

Mr Tim Nicholson BSc(Hons) CEng MICE, Divisional Director (Transportation and Development Group), Jacobs Engineering UK Ltd

Mr Jeremy Burgess MIEEM, Principal Ecologist, Jacobs Engineering UK Ltd

Ms Sue Kaner BA(Hons) MPhil MLI, Associate, Rummey Environmental Limited

Mr Rupert Lovell BSc MA MLI, Technical Director (Landscape Architecture and Urban Design), Jacobs Engineering UK Ltd

Mr Robert Mansfield BSc MIOA, Technical Director (Acoustics and Air Quality), Jacobs Engineering UK Ltd

Mr Simon Mason BA, Principal Archaeological Officer, Kent County Council

The Objectors in order of appearance

Hoo Ness Yacht Club Represented by Mr Tony Lavelle, Rear Commodore, Hoo Ness Yacht Club, Vicarage Lane, Hoo, Rochester, Kent ME3 9LB.

Mr G V Lilley Lingfield Lodge, Sheppey Way, Bobbing, Sittingbourne, Kent ME9 8PJ.

Dolphin Yard Sailing Barge Museum Trust

Represented by Mr C Reader, Dolphin Yard Sailing Barge Museum Trust, Crown Quay Lane, Sittingbourne, Kent ME10 3SN.

Mr Clive Reader

2 Bishops Cottages, Lynsted, Sittingbourne, Kent ME9 0ES.

Sittingbourne and Milton Regis Sea Cadet Corps

Represented by S/Lt Loreley Tansley RNR (Commanding Officer) and by Mr E D Bailey (President), Crown Quay Lane, Sittingbourne, Kent ME10 3JN.

Topbond plc

Represented by Mr Glenn Springett, Group Managing Director, Topbond plc, Oyster Quay, Castle Road, Sittingbourne, Kent ME10 3EU.

Medway Yachting Association

Represented by Mr Wil Pretty, 103 Bathurst Road, Staplehurst, Kent TN12 0LH.

He called:

Mr Nicholas Bullett CEng MICE

Mr Peter MacDonald MSc MCILT

Kendor Lodge, Chequers Road, Minster, Sheerness, Kent ME12 3QL.

APPENDIX 2 – INQUIRY DOCUMENTS

CD1	Kent and Medway Structure Plan (2006)
CD2	The South East Plan Core Document: March 2006 Submission Draft
CD3	<i>Delivering the South East Plan</i> : EIP Submission, 30 October 2006
CD4	<i>Growth and Regeneration in the Thames Gateway</i> : Interregional Planning Statement, 2004
CD5	Local Transport Plan for Kent: 2006-11
CD6	Planning Policy Statement 1 <i>Delivering Sustainable Development</i>
CD7	Planning Policy Guidance 13: <i>Transport 2001</i>
CD8	Regional Planning Guidance for the South East: RPG9, March 2001
CD9	The Thames Gateway Planning Framework: RPG9a
CD10	The Regional Economic Strategy 2006-2016: South East England Development Agency
CD11	Extracts from the South East Plan Panel Report, 6 August 2007
CD12	<i>Sustainable Communities – Building for the Future</i> : ODPM
CD13	<i>Sustainable Communities in the South East – Building for the Future</i> : ODPM, 2003
CD14	Swale Forward Delivery Vehicle Business Plan 2004/06
CD15	<i>Towards 2010</i> : Kent County Council
CD16	<i>Vision for Kent</i> , April 2006, Kent Partnership
CD17	Transport Strategy, 2006-11: Swale Borough Council
CD18	State of the Borough Report 2006: Swale Forward
CD19	<i>Priority Swale</i> : Swale Local Strategic Partnership
CD20	Thames Gateway Delivery Plan
CD21	Interim Regeneration Framework 2005-06: Swale Forward
CD22	Regeneration Framework 2006-2016: Swale Forward
CD23	The "Rummey" Report: <i>Main report on the key implications of the Sittingbourne Northern Relief Road, Milton Creek Crossing; on Navigation, Environmental and Regeneration Issues with regard to the future viability of the Creek for recreational use.</i> Incorporates erratum document CD 203.
CD24	Swale Borough Local Plan, Adopted 2000
CD25	Swale Borough Local Plan First Review Re-deposit Draft July 2005
CD26	Inspector's Report on Objections Made To The Deposit Draft and the Re-Deposit Draft of the Swale Borough Local Plan First Review (extracts)
CD27	Pre-Publication Draft: Swale Borough Local Plan 2008
CD27A	Swale Borough Local Plan, Adopted February 2008

CD28	Swale Borough Council report to Planning Committee, 27 January 2005
CD29	Swale Borough Council report to Planning Committee, 27 April 2006
CD30	<i>Kent Prospects 2007 to 2012: an economic development and regeneration framework for Kent</i>
CD31	<i>Kent – What Price Growth?</i> Kent County Council, June 2003
CD32	<i>Kent's Big Picture:</i> Kent County Council
CD33	Local Transport Plan for Kent 2001-2006: Sittingbourne Northern Relief Road Major Scheme Bid Volume 1
CD34	Local Transport Plan for Kent 2001-2006: Sittingbourne Northern Relief Road Major Scheme Bid Volume 2
CD35	Development of a New Sittingbourne Traffic Model: Report on Surveys
CD36	Development of a New Sittingbourne Traffic Model: Local Model Validation Report
CD37	Development of a New Sittingbourne Traffic Model: Forecasting Report
CD38	Local Transport Plan for Kent 2001-2006: Sittingbourne Northern Relief Road Major Scheme Bid Supplementary Information – August 2004
CD39	Sittingbourne Northern Relief Road Economic Impact Report
CD40	Local Transport Settlement 2005/06: Letter from GOSE: 2 December 2004
CD41	Report to Kent County Council Highways Advisory Board 13 July 2004
CD42	Report to Kent County Council Highways Advisory Board 11 January 2005
CD43	Report to Kent County Council Highways Advisory Board 12 July 2005
CD44	Report to Kent County Council Highways Advisory Board 1 November 2005
CD45	Report to Kent County Council Highways Advisory Board 10 January 2006
CD46	Report to Kent County Council Highways Advisory Board 19 September 2006
CD47	Report to Kent County Council Highways Advisory Board 10 July 2007
CD48	Kent County Council Cabinet Member Decision 14 July 2004
CD49	Kent County Council Cabinet Member Decision 17 January 2005
CD50	Kent County Council Cabinet Member Decision 20 July 2005
CD51	Kent County Council Cabinet Member Decision 5 December 2005
CD52	Kent County Council Cabinet Member Decision 13 January 2006
CD53	Kent County Council Cabinet Member Decision 21 September 2006
CD54	Kent County Council Cabinet Member Decision 16 July 2007
CD55	Kent County Council Cabinet Member Decision 13 August 2007
CD56	Kent County Council Cabinet Member Decision 5 December 2007

CD57	Report on Public Exhibition, Kemsley Village Hall, October 2004
CD58	Report on Public Consultation, Kemsley Village Hall, July 2005
CD59	Proposed Clearance for Milton Creek Bridge: Report on Consultation (September 2005)
CD60	Planning Application, dated 1 November 2004
CD61	Revision to Planning Application, dated 13 March 2005
CD62	Revision to Planning Application, dated 26 June 2006
CD63	Planning Application Drawings
CD64	Environmental Statement Volume 1
CD65	Environmental Statement Volume 2A
CD66	Environmental Statement Volume 2B
CD67	Environmental Statement Volume 2C
CD68	Environmental Statement Volume 2D
CD69	Notification of Grant of Permission to Develop Land, 14 September 2006
CD70	Planning Application, dated 20 August 2007
CD71	Planning Application Drawings to accompany CD70
CD72	Notification of Grant of Permission to Develop Land, 12 February 2008
CD73	Scheme Plan 4568/WD/46 rev B
CD74	Alternative Route A: Scheme Plan
CD75	Alternative Route B: Scheme Plan
CD76	Ridham Avenue Roundabout Option A Scheme Plan
CD77	The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007: List of documents
CD77A	The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007
CD78	The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007: Location Plan and General Design
CD79	The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007: Statement of Reasons
CD79A	The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007: Public Notice
CD79B	The Kent County Council (Milton Creek Bridge) (No. 2) Scheme 2007: Statement of Case
CD80	The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (Side Roads) (No. 2) Order 2007: List of Documents
CD 80A	The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (Side Roads) (No. 2) Order 2007
CD81	The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (Side Roads) (No. 2) Order 2007: Order Plan

CD82	The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (Side Roads) (No. 2) Order 2007: Statement of Reasons
CD82A	The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (Side Roads) (No. 2) Order 2007: Public Notice
CD82B	The Kent County Council (Sittingbourne Northern Relief Road Classified Road) (Side Roads) (No. 2) Order 2007: Statement of Case
CD83	The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007: List Of Documents
CD83A	The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007
CD84	Ridham Avenue to Castle Road Compulsory Purchase Plan
CD85	The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007: Statement of Reasons
CD85A	The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007: Press Notice
CD85B	The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007: Owners and Site Notice
CD85C	The Kent County Council (Sittingbourne Northern Relief Road) (No. 2) Compulsory Purchase Order 2007: Statement of Case
CD86	TD 9/93 Highway Link Design: Amendment No 1 – 2002
CD87	TD 27/05 Cross-Sections and Headrooms
CD88	TD 16/07 Geometric Design of Roundabouts
CD89	TD 51/03 Segregated Left Turn Lanes and Subsidiary Deflections Islands at Roundabouts
CD90	TD 57/07 Roadside Features
CD91	TA 90/05 The Geometric Design of Pedestrian, Cycle and Equestrian Facilities
CD92	Moveable Bridge Investigation
CD93	Revised 2003 Model Calibration: Local Model Validation Report: April 2008
CD94	Revised 2003 Model: Forecasting Report: June 2008
CD95	Revised 2003 Model: Economic Assessment Report: June 2008
CD96	Countryside Character Volume 7: South East & London
CD97	Greater Thames Estuary: Character Area 81
CD98	Extract: <i>Guidelines for Landscape and Visual Impact Assessment</i>
CD99	Kent and Medway Structure Plan: EIP Panel Report: February 2005: Extract
CD100	<i>The Landscape Assessment of Kent</i> – October 2004
CD101	Landscape Character Assessment Guidance for England and Scotland
CD102	Swale Landscape Character Assessment and Guidelines March 2005 –

	Extract
CD103	Design Manual for Roads and Bridges Volume 11 Section 3 Part 5 Landscape Effects
CD104	Kent and Medway Structure Plan 2006: Supplementary Planning Guidance SPG 1: Landscape Character
CD105	Kent and Medway Structure Plan: Special Landscape Areas: Designations Review
CD106	The Landscape Sub-Objective: TAG Unit 3.3.7
CD107	The Townscape Sub-Objective: TAG Unit 3.3.8
CD108	Planning Policy Statement 7: <i>Sustainable Development in Rural Areas</i>
CD109	Wildlife and Countryside Act 1981
CD110	Extract from Countryside and Rights of Way Act 2000
CD111	Countryside and Rights of Way Act 2000: List of habitats and species of principal importance for the conservation of biological diversity in England.
CD112	The Population Status of Birds in the UK
CD113	<i>Predicting the Impact of Milton Creek Crossing on Shorebirds and Wildfowl</i> – February 2008
CD114	<i>Great Crested Newt Mitigation Guidelines</i> – English Nature
CD115	<i>Reptiles: Guidelines for Developers</i> – English Nature
CD116	The Noise Insulation Regulations 1975
CD117	The Noise Insulation (Amendment) Regulations 1988
CD118	Calculation of Road Traffic Noise
CD119	Design Manual for Roads and Bridges Volume 11 Section 3 Part 7 Traffic Noise and Vibration
CD120	BS 5228: Part 1: 1997 <i>Noise and Vibration Control on Construction and Open Sites: Part 1</i>
CD121	BS 7385-1: 1990 <i>Evaluation and Measurement for Vibration in Buildings: Part 1</i>
CD122	BS 7385-2: 1993 <i>Evaluation and Measurement for Vibration in Buildings: Part 2</i>
CD123	The Air Quality Strategy for England, Scotland, Wales and Northern Ireland: Volume 1
CD124	Part IV of the Environment Act 1995: Local Air Quality Management: Technical Guidance, DEFRA, 2003
CD125	Design Manual for Roads and Bridges Volume 11 Section 3 Part 1 Air Quality
CD126	Archaeological Assessment: Museum of London Archaeology Service
CD127	The Heritage of Historic Resources Sub-Objective: TAG Unit 3.3.9
CD128	Letter dated 11 May 2006 from English Heritage

CD129	Creating Sustainable Communities: Making it Happen: Thames Gateway and the Growth Areas: ODPM
CD130	<i>Deriving NO₂ from NO_x for Air Quality Assessments of Roads – Updated to 2006</i> – Air Quality Consultants
CD131	<i>Development Control: Planning for Air Quality</i> : NSCA
CD132	Control of Pollution Act 1974
CD133	Local Transport Plan for Kent 2001-06: Delivery Report
CD134	<i>Commercial Information Audit Monitoring Survey Report Swale 2006/2007</i> : Kent County Council
CD135	Bundle of letters of support
CD136	Bundle of letters of objection
CD137	Kent County Council proofs of evidence, appendices etc
CD138	Medway Yachting Association proofs of evidence, appendices etc
CD138A	<i>Moveable Bridge Lifting Span Alternative</i> : SSP Consulting Engineers
CD139	Mr C Reader's proof of evidence
CD140	Dolphin Yard Sailing Barge Museum Trust evidence
CD141	Mr G V Lilley's proof of evidence, appendices etc
CD142	Topbond plc proof of evidence
CD143	Sittingbourne and Milton Regis Sea Cadets: Evidence of S/Lt Tansley
CD144	Sittingbourne and Milton Regis Sea Cadets: Evidence of Mr E Bailey
CD145	Mr P MacDonald's proof of evidence
CD146	Proposal SW/04/1453/R3: Discharge of condition 4
CD147	Correspondence between Jacobs Babtie and Medway Ports
CD148	Notes for the Guidance of Inspectors
CD149	The Highways (Inquiries Procedure) Rules 1994
CD150	Extract from ODPM Circular 06/2004
CD151	Drawing 2947/SK/058 Rev O: CPO and Scheme Outline
CD152	Natural England letter about alternative bridge designs: 7 May 2008
CD153	RSPB letter about alternative bridge designs: 2 May 2008
CD154	KCC Opening Statement
CD155	Site notice of the Inquiry
CD156	KCC Rebuttal to Mr C Reader
CD157	KCC Rebuttal to Dolphin Barge Museum Trust
CD158	KCC Rebuttal to Topbond
CD159	KCC Rebuttal to Mr G V Lilley
CD160	KCC Rebuttal to Sittingbourne and Milton Regis Sea Cadets

CD161	KCC Rebuttal to Mr P MacDonald
CD162	Extract: <i>Sittingbourne in Old Photographs</i>
CD163	Extract: <i>Sittingbourne</i>
CD164	<i>Navigation Notes for Faversham Creek</i>
CD165	Promotional brochure by Spenhill
CD166	Mr A Lavelle's proof of evidence
CD167	Mr Lilley's letter dated 3 March 2006 to the East Kent Gazette
CD168	Letters from English Nature
CD169	KCC Rebuttal to Mr Pretty, Medway Yachting Association
CD170	Report to KCC Planning Applications Committee, 13 May 2008: Alternative Bridge Designs
CD171	Letter from Medway Ports, 27 March 2008: Development at Murston Wharf, Milton Creek
CD172	Letter from English Nature, 9 February 1994
CD173	KCC Rebuttal to Mr Bullett, Medway Yachting Association
CD174	KCC Rebuttal to Mr A Lavelle
CD175	<i>MDL Marina No 4: Cobb's Quay</i>
CD176	Details of Milton Creek SNCI
CD177	Street Map showing the position of the proposed crossing of Milton Creek
CD178	Section 106 Agreement, Trenport (East Hall Park) Limited and others
CD179	Chart of The Swale and Milton Creek, prepared for accompanied site visit on 10 July 2008
CD180	Letter from GOSE: Classifying/Reclassifying Roads Under Section 12(3) of the Highways Act 1980
CD181	Note: Background to the Port Marine Safety Code (KCC)
CD182	Letter from GOSE: Classification of the Proposed Sittingbourne Northern Relief Road
CD183	Approval of Details: Amended Construction Access Route
CD184	Sample Data for Typical Bilge Keel Yachts (KCC)
CD185	Map of the Thames estuary
CD186	Cobb's Quay Marina – Tidal Access Window
CD187	Map of the Thames estuary
CD188	Hoo Marina Facilities
CD189	Official Tide Tables for the River Medway and Thames Estuary 2008 – extract
CD190	Report to KCC Planning Applications Committee, 18 July 2006: Extracts: List of suggested conditions

CD191	The Milton Creek Framework: a Preliminary Report: Executive Summary
CD192	Topbond drawing SK-01 showing Olympic Bridge Temp 02
CD193	Topbond letter to Medway Ports Authority, 12 June 2008
CD194	Mossops Park Footbridge
CD195	Derrychara Footbridge
CD196	Minutes of the Medway Yachting Association business meeting held on Tuesday 10 June 2008.
CD197	Pilot Study into the Disturbance of Waders and Wildfowl on the Stour-Orwell SPA: Analysis of 2004/05 data
CD198	KCC Compendium Rebuttal to Objections Received at the time of Order Notices
CD199	Bundle of papers by Mr Pretty
CD200	Faversham Creek Consortium Management Group Meeting: 18 January 2007
CD201	The Havengore Route
CD202	Extract from CD67: Geology and Contamination Issues
CD203	Erratum to CD23: Incorporated in CD23
CD204	Duplicate of CD147
CD205	Faversham Creek Navigation Study Final Report
CD206	E-mail from Royal Yachting Association: 10 July 2008
CD207	Note on closing submissions
CD208	Inspector's Questions of Clarification to Kent County Council Arising from Document CD178
CD208A	KCC reply to CD208
CD209	Environment Agency statement regarding the condition of sediment within Milton Creek, 14 July 2008
CD210	Mr Pretty's submission to KCC Planning Applications Committee, 18 July 2006
CD211	Minutes of KCC Planning Applications Committee, 13 May 2008 (extract)
CD212	Minutes of KCC Planning Applications Committee, 18 July 2006 (extract)
CD213	Note regarding Conyer Cruising Club
CD214	Swale Marina Price List 2008
CD215	Map of Sittingbourne
CD216	Conyer Tide Table 2008 (extract)
CD217	Extracts from charts
CD218	Photographs
CD219	<i>East Coast Pilot – Lowestoft to Ramsgate</i> (extract)
CD220	E-mail correspondence: Mr Pretty

CD221	Official Tide Tables for the River Medway and Thames Estuary 2008 – extract showing bridge clearances
CD222	<i>A Code of Practice for the Design, Construction and Operation of Coastal and Inland Marinas and Yacht Harbours</i> – British Marine Federation (extracts)
CD223	Report to KCC Planning Applications Committee, 18 July 2006
CD224	Medway Ports Authority Act 1973 (extract)
CD225	Coastal Protection Act 1949 (extract)
CD226	KCC Note: Possible Queue lengths
CD227	Letter from Mr Lilley: 15 July 2008
CD228	Royal Yachting Association letter of support for Sea Cadets’ objection, 15 July 2008
CD229	Sea Cadets declaration
CD230	E-mail submitted by Mr Bailey
CD231	Book extract: “The Swale”
CD232	Book extract: “The Swale”
CD233	Note: Viability of Creek for recreational use
CD234	Scoping report on impact of the proposed crossing and future use of the creek: Milton Creek – January 2008
CD235	East Coast Rivers Cruising Companion (extract)
CD236	Letter to the Inquiry from Hoo Ness Yacht Club
CD237	KCC Note of Accompanied Site Visit, 10 July 2008
CD238	Chart of Faversham Creek
CD239	Chart of the head of Faversham Creek
CD240	Chart of Milton Creek, 2002
CD241	Chart of Milton Creek, 1982
CD242	Letter dated 15 July 2008 from Medway Ports to KCC
CD243	KCC Note: Views of Environmental Consultees with regard to reduction of air clearance from 6.4 to 4.2 metres
CD244	<i>East Coast Rivers – Southwold to Swale</i> (extract)
CD245	Royal Yachting Association letter dated 28 May 2008 to Mr Pretty
CD246	Nore Race provisional results
CD247	Facsimile from Cardiff Harbour Authority to Mr MacDonald
CD248	Leaflet: Faversham
CD249	Note about Faversham
CD250	Dolphin Yard Sailing Barge Museum Trust: closing submission
CD251A	Copies of various registers of title

CD251B	Plans to accompany CD251A
CD252	Letter from Swale BC regarding the Compulsory Purchase Order, 17 July 2008
CD253	Closing Submission: Mr Pretty for MYA
CD254	Closing Submission: Mr Bullett for MYA
CD255	Tide table
CD256	Closing Submission: Mr Lilley
CD257	Closing Submission: Topbond plc
CD258	Closing Submission: Mr MacDonald
CD259	Closing Submission: Sittingbourne and Milton Regis Sea Cadets
CD260	Closing Submission: Kent County Council

Written Representations

<u>File</u>	<u>Party</u>
CD135/1	Trenport Investments Limited
CD135/2	Medway Ports and The Port of Sheerness Limited
CD135/3	Sittingbourne Retail Park
CD135/4	E H Nicholls Jnr Ltd
CD135/5	Locate in Kent
CD135/6	Kent Science Park
CD135/7	Eurocoils Limited
CD135/8	Colombier (UK) Ltd
CD135/9	R&D Contracts Ltd
CD135/10	Swale Borough Council
CD135/11	Bennett Opie Ltd
CD135/12	Ashbys Cleaning Equipment
CD135/13	Sparshatts of Kent Ltd
CD135/14	PowaKaddy International Limited
CD135/15	Wire Belt Company Limited
CD135/16	Electroquip Limited
CD135/17	Tillett Limited
CD135/18	FloPlast Limited
CD135/19	MJ Plastics and Plumbing
CD135/20	Creative Resins Distribution Limited
CD135/21	R & G Marine & Industrial Services Ltd
CD135/22	Maco Door & Window Hardware (UK) Ltd
CD135/23	Motor Parts Direct
CD135/24	Jaymech Food Machines
CD135/25	Adam, Rouilly Limited
CD135/26	Deacon Finishes
CD135/27	21 st Century Logistics Limited
CD135/28	Q Catering Supplies Limited
CD135/29	London & Kent Metals
CD135/30	Chalkwell Garage and Coach Hire Limited
CD135/31	Spenhill Developments Limited

CD136/7 The Kent Wildfowling & Conservation Association
CD136/8 The Hollowshore Cruising Club
CD136/9 Mr W B Harrison
CD136/10 Mr James Weston
CD136/11 Mr Roy E Newing, The Boat House Boaters Club
CD136/12 Mr B E Porritt
CD136/13 Mr Alan S R Staley
CD136/15 Mrs A E Weekes
CD136/16 Mr A J Weekes
CD136/17 Mr W Dermot Stewart
CD136/18 Ms Phillipa Baron
CD136/19 Mr Ian Baron
CD136/20 Mr Michael J Perkins
CD136/21 The Queenborough Yacht Club
CD136/22 The Cruising Association
CD136/23 Mr Owen A J Emerson
CD136/25 Lower Halstow Yacht Club
CD136/27 The Sailing Barge Association
CD136/28 Mr Peter Dodds
CD136/29 Sittingbourne Yacht Club
CD136/31 Mr David Price
CD136/32 Iron Wharf Boatyard
CD136/35 Mr C R Walker
CD136/37 Mr W R Holness
CD136/38 Mr Clifford Mickleburgh
CD136/39 [Illegible]
CD136/40 Highway Marine Limited
CD136/41 The Royal Yachting Association
CD136/42 Mr Justin Ford
CD136/43 Mr M R Houston
CD136/44 Mr Iolo Brooks