

# MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION: INSPECTOR'S MATTERS, ISSUES, AND QUESTIONS

## Kent County Council Written Statements

### Foreword:

Kent County Council considers the Maidstone Borough Local Plan (2011-2031) to fail the tests of soundness prescribed in the National Planning Policy Framework (paragraph 182). The Local Plan is based on a spatial development strategy which is not justified by proportionate evidence and is not consistent with national planning policy.

The Local Plan is supported by a draft Integrated Transport Strategy [Submission Document TRA 007] covering the period to 2031 which is founded on a package of transport improvements that has not been agreed by the County Council as Local Highway Authority. Consequently, the Local Plan is also unsound on the basis that it is not effective as it is not deliverable over its period. The principles of a transport strategy for the period to 2022 have been agreed by the Maidstone Joint Transportation Board and an undertaking by Maidstone Borough Council to commence an early review of the Local Plan by 2022 to identify the transport infrastructure necessary to accommodate growth to 2031 would ensure the effectiveness of the Plan over its period<sup>1</sup>.

### SESSION 1A: LEGAL AND PROCEDURAL

- 1.1 Kent County Council had reserved its position on matters relating to legal compliance in its representations on the Publication (Regulation 19) draft of the Maidstone Borough Local Plan. Since this time the Borough Council has published a *Duty to Cooperate Compliance Statement* [Submission Document SUB 008]. It is noted that this document has not been subject to any proper period of consultation with other local planning authorities, the County Council and prescribed public bodies.
- 1.2 In light of the Inspector's Matters, Issues and Questions, Kent County Council considers it is appropriate to raise significant concerns with the content of the *Compliance Statement*. Cooperation should produce effective and deliverable policies on strategic matters in Local Plans. Effective cooperation is likely to require sustained joint working and there should be clear outcomes. It is acknowledged that there has been active and ongoing engagement with the Borough Council; however the County Council has consistently expressed concerns over the extent to which this has informed the plan content.
- 1.3 It is therefore the view of the County Council that the *Compliance Statement* is inadequate and fails to provide comprehensive and robust evidence to enable the Inspector to conclude that genuine effort has been made by Maidstone Borough Council to engage *constructively* on strategic priorities and particularly those relating to provision of infrastructure for transport.

#### **Qn 1.7 Does transport infrastructure qualify as a cross border strategic matter?**

- 1.7.1 Paragraphs 178-181 of the National Planning Policy Framework set out the Government's policies relating to 'Planning strategically across local boundaries'. Paragraph 178 states that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the

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<sup>1</sup> See: *Grand Union Investments Ltd v Dacorum BC* [2014] EWHC 1894 (Admin)

strategic priorities set out at paragraph 156 of the Framework. Paragraph 156 (3<sup>rd</sup> bullet point) confirms that the provision of infrastructure for transport is a strategic priority. Paragraph 179 of the Framework goes on to state that local planning authorities should work collaboratively with other bodies to ensure that such strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans.

- 1.7.2 The patterns of movement associated with travel demand are not confined by boundaries. They are influenced by the disposition and scale of land uses across wide geographical areas, together with the availability and attractiveness of transport networks to provide access to trip end destinations. These complexities indicate that a comprehensive approach to the planning of transport infrastructure is necessary to meet a wide range of economic, social and environmental objectives.
- 1.7.3 The County Council, through the preparation of a county-wide Local Transport Plan, is required to consider key strategic priorities in order to ensure that future investment in transport is targeted to where it can achieve most benefits. To this end, the improvements to infrastructure identified in the consultation draft of Local Transport Plan 4 are focused around improved safety, congestion relief, the unlocking of development and encouragement of sustainable travel behaviour. All have cross-border relevance, both within and outside of Kent.
- 1.7.4 In the case of Maidstone, the proposed locations for growth identified in the Local Plan have far reaching implications on several important strategic road corridors, including the A20, A229 and A274. Each of these roads function as key radial corridors into central Maidstone as well as providing designated routes for use by long distance traffic for travel across Kent. The County Council regard it to be essential that planned growth is supported by improvements to transport that will maintain the integrity and effectiveness of the network as a whole.

**Qn 1.8 Does lack of agreement to date between MBC and KCC (and HE) on some transport issues qualify as a failure in the duty to cooperate given the history of engagement set out in the DtC Compliance Statement?**

- 1.8.1 The County Council has adopted an approach to engagement that is consistent with that used across all of the other Districts in Kent. This is founded on the formulation of an Integrated Transport Strategy that identifies the future transport infrastructure necessary to support growth over the plan period.
- 1.8.2 At the outset of the Local Plan preparation process, the County Council and Borough Council agreed to undertake a transport modelling exercise to provide the necessary evidence base to inform decision making. A County Council officer was seconded to the Borough Council to work directly alongside the officer from JMP that the Borough Council had assigned to this task.
- 1.8.3 The County Councils consultants, Amey, were jointly commissioned to develop a VISUM transport model to identify baseline conditions and test various scenarios associated with new development and potential transport interventions. The findings of the work have been routinely presented and debated at the meeting of the Maidstone Joint Transportation Board which comprises County and Borough elected members. Although not a decision making body this has historically provided the mechanism through which agreement is sought on the infrastructure that should be included in the Integrated Transport Strategy.
- 1.8.4 The JTB has agreed the principles of an Integrated Transport Strategy covering the period to 2022. There is no agreed strategy for the period beyond 2022 (to

2031) and the Local Plan is unsound on the basis that it is not effective as it is not deliverable over its period.

- 1.8.5 The modified or additional transport interventions necessary to accommodate growth to 2031 are not yet agreed and will form part of the Local Plan review that is due to take place by 2022. Further collaborative work will therefore need to be undertaken with the Borough Council to reach agreement on a strategy to 2031.
- 1.8.6 In making representations on the Local Plan, the County Council has referred extensively to the jointly commissioned modelling work and the JTB resolutions. These are regarded as key components of the shared working arrangements and critical to achieving a robust Local Plan.
- 1.8.7 The Localism Act 2011 establishes the Duty to Cooperate. It places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis. The Act also confirms that regard must be given to any guidance from the Secretary of State which is contained in the National Planning Policy Framework, supplemented by the Planning Practice Guidance.
- 1.8.8 The relevant guidance in the National Planning Policy Framework can be found at paragraphs 178-181 ('Planning strategically across local boundaries'). Paragraph 181 states that cooperation should be a continuous process of engagement from initial thinking through to implementation resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.
- 1.8.9 The Planning Practice Guidance states that Inspectors testing compliance with the duty at examination will assess the outcomes of cooperation and not just whether local planning authorities have approached others (Paragraph: 011 Reference ID: 9-011-20140306). Effective cooperation is likely to require sustained joint working with concrete actions and outcomes and local planning authorities should submit robust evidence to the examination including details about who the authority has cooperated with, the nature and timing of cooperation and how it has influenced the Local Plan (Paragraph: 012 Reference ID: 9-012-20140306). Close cooperation between district local planning authorities and county councils in two tier areas will be critical to ensure that both tiers are effective when planning for strategic matters such as minerals, waste, transport and education (Paragraph: 015 Reference ID: 9-015-20140306).
- 1.8.10 Whilst it is acknowledged that there has been active and ongoing engagement with the Borough Council on the content of the Integrated Transport Strategy, the County Council has consistently expressed concerns over the extent to which this has informed the plan content. As part of the Regulation 19 consultation, the Borough Council chose to publish an Integrated Transport Strategy covering the whole plan period 2011-2031 that was founded on unrealistic assumptions in relation to modal shift and the mitigation of traffic impact. The content of the published strategy did not accord with the resolutions made by the Joint Transport Board and had not therefore been agreed by the County Council.
- 1.8.11 The Borough Council also included land allocations for housing growth in south eastern Maidstone that were against the County Council's advice, which had highlighted how the jointly commissioned traffic modelling showed this sector of the town to be most constrained in terms of highway capacity. The approach taken by the Borough Council undermined effective cooperation which is essential in identifying the infrastructure necessary to support growth.

1.8.12 The *Duty to Cooperate Compliance Statement* [Submission Document SUB 008] does not adequately demonstrate that the Borough Council has made a concerted effort to address the known issues around strategic transport priorities. References to constructive engagement with the County Council as Local Highway Authority are completely misleading (see for example paragraphs 3.3.5-3.3.9 pages 35-36, paragraph 3.3.15 page 38). Appendix 1 of the *Compliance Statement* sets out the type and purpose of the engagement with prescribed bodies including the County Council but ultimately, the outcomes of cooperation are not robustly demonstrated, particularly in terms of how they have influenced the preparation of the Local Plan. Ultimately, it cannot therefore be concluded that engagement has been constructive.

**Qn 1.14 Has the preparation of the Local Plan had regard to the current Local Transport Plan 3?**

1.14.1 The Maidstone Local Plan states that it has taken into consideration the *Local Transport Plan for Kent 2011 - 2016* (LTP3). At the present time, this is the adopted and current Local Transport Plan of Kent County Council (KCC); however, the process is underway to update and replace LTP3 with a new Local Transport Plan (LTP4). LTP4 is currently undergoing a public consultation and is expected to be adopted by County Council in early 2017. The 'themes' as set out in LTP3 align to national transport goals, and the ethos of these themes has been translated into the 'outcomes' set out in LTP4.

1.14.2 The timeframe for LTP3 was 2011 - 2016, and over that period the context in which the Plan operates changed substantially. For example, Growth Area/Point designation is no longer applicable, mechanisms of funding for transport projects have changed with the introduction of Local Growth Fund, and various aims of LTP3 have been achieved such as the inclusion of Thameslink train services to Maidstone from the 2018 franchise. Therefore, although LTP3 is the KCC Local Transport Plan to which the Maidstone Local Plan should have regard, Maidstone Borough Council have been aware of the changing context of transport funding and delivery, and the ongoing process to adopt a new Local Transport Plan.

**Qn 1.15 What regard should be had to the emerging Local Transport Plan 4 which is expected to be adopted after the examination hearings but before the submission of the Inspector's Report?**

1.15.1 The Department for Transport *Guidance on Local Transport Plans* (July 2009) provides guidance on the relationship between the Local Transport Plan and the planning process. The Guidance emphasises the importance of the local transport authority working closely with the district council to secure and utilise funding for transport from developer contributions. It also states that "it is critical that transport and spatial planning are closely integrated."

1.15.2 The intent in developing *Local Transport Plan 4: Delivering Growth without Gridlock* (LTP4) as a countywide transport plan is that all district transport strategies supporting district Local Plans should have regard for the desired outcomes for transport as set out in LTP4. This is because LTP4 is a strategic document and the detail of transport infrastructure required to support individual developments in the district should be dealt with by the district transport strategy as part of the Local Plan, in agreement with KCC as the Highway Authority and Local Transport Authority.

1.15.3 In developing LTP4, KCC has worked closely with all of Kent's district councils to develop the pages describing the context of the transport network and displaying the transport priorities for their area. Officers from KCC met with officers from

Maidstone Borough Council to discuss the emerging Local Transport Plan.

- 1.15.4 The development of LTP4 was also discussed at the Kent and Medway Economic Partnership meeting of 11<sup>th</sup> April 2016, with representatives (officer and Member) from MBC present. KCC's intention to produce a new Local Transport Plan has thus been clear for some time.
- 1.15.5 The draft LTP4 document was published on Monday 8<sup>th</sup> August 2016, with hard copies sent directly to MBC as well as the link to the online version and the *Strategic Environmental Assessment Environmental Report*. KCC welcomes a full consultation response from MBC, and other stakeholders, before the closing date of October 30<sup>th</sup>. Following this, a consultation report will be produced and changes made to LTP4 as necessary. It is intended that the final version of LTP4 will be taken to KCC's Environment and Transport Cabinet Committee, Cabinet, and then County Council for adoption in early 2017.
- 1.15.6 At this time (before the consultation has closed and results analysed) the scale of changes required of LTP4 cannot be anticipated and prior to LTP4's adoption the previous LTP3 (2011-16) is the current Local Transport Plan to which the Local Plan should have regard. However, this should be caveated by the fact that LTP3 was developed over six years ago and the context of local transport has changed substantially in that time, hence the new LTP4 which will replace the existing LTP3 in the coming months.

### **SESSION 3B: ALTERNATIVE STRATEGIC DEVELOPMENT**

- 3.1 Since the first results of the jointly commissioned traffic modelling became available in July 2015, the County Council has strongly objected to any emerging Local Plan allocation (or speculative planning application) for major development on the south and south eastern approaches to Maidstone Town Centre. This is on the basis that the cumulative impact of recently completed (or consented) development would have an unacceptably severe impact on the A229 and A274 corridors without there being sufficient certainty that mitigation can be provided and funded.
- 3.2 Concerns of this nature were raised by the Planning Inspector in the appeal for a major residential development of 220 dwellings at Boughton Lane, Loose and were agreed by the Secretary of State in the determination of the recovered appeal. The Secretary of State agreed that *'the proposed development would have a severe adverse impact on the highway network'* and that *'piecemeal development on the appeal site, exacerbating existing problems rather than contributing to a workable solution, could adversely affect the delivery of a successful plan-led development and infrastructure strategy'* (paragraph 16). The appeal decision was subsequently quashed, however not on transport related grounds.
- 3.3 The jointly commissioned traffic modelling has provided a clear indication that the provision of a Leeds Langley Relief Road could achieve substantial journey time savings on the network. This was recognised in the Maidstone Joint Transportation Board resolution of 13<sup>th</sup> July 2016, which agreed the basis of a transport strategy to 2022 that included a firm commitment for the Borough and Council Councils to work together in support of the Leeds Langley Relief Road. The review of the strategy that will be necessary by 2022 to identify what transport improvements are required over the period to 2031, will provide clarity on the overall merits of the Relief Road compared against other potential transport options. This will inform decision making on whether a form of relief road should be taken forward as part of the onward strategy to 2031.

**Qn 3.7 The cost of a Leeds-Langley Relief Road has been put at £50-£80m. Can Golding estimate what 'significant contribution' could be made to that road by their proposed development and what other sources of funding would be needed?**

- 3.7.1 The County Council has begun work to establish the justification for a Leeds-Langley Relief Road between the A20 and A274. The investigation of potential sources of funding will form a key component of the outline business case that is to be prepared, alongside work to identify a route alignment, test the traffic benefits and carry out initial environmental surveys. This work will be completed by 2022 to inform the first review of the Local Plan and assist decision making on whether the road should form part of the transport interventions necessary to support housing and employment growth over the period beyond 2022 to 2031.
- 3.7.2 It is anticipated that a range of funding sources will need to be explored to achieve delivery of the scheme. These will include government funding, such as the Local Growth Fund through the Local Enterprise Partnership, and funding through new development, which may include enabling development. Other funding mechanisms, such as capturing enhanced land values and the Large Local Major Schemes fund, may also be contemplated.
- 3.7.3 The location and scale of development promoted by Golding Homes Ltd affords scope for a sizable proportion of the capital cost to be funded through new development. This proportion could increase further in the event that provision of the road unlocks additional development land.

**Qn 3.8 When might such a road be available for use?**

- 3.8.1 A programme for the delivery of the road is yet to be devised. The initial priority is to ensure that a preferred scheme, outline business case and indicative funding model is in place ahead of the first review of the Local Plan by 2022, to enable it to be fully considered against other potential transport options. In the event that the road is taken forward as part of the Integrated Transport Strategy necessary to support housing and employment growth to 2031, a timetable consistent with any phased implementation of development will need to be identified. This will need to account for the planning consent and statutory orders that are necessary for delivery of the road.

**SESSION 4: ENVIRONMENTAL CONSTRAINTS**

- 4.1 Kent County Council is the Minerals and Waste Planning Authority. In its representations at both Regulation 18 and 19 stages, the County Council objected to the Maidstone Local Plan on the basis that it was not consistent with national policy (paragraph 143) on matters relating to Minerals Safeguarding. Since this time the County Council has adopted the Kent Minerals and Waste Local Plan 2013-30 which forms part of statutory development plan. The objections previously raised have largely been addressed by the Borough Council in the form of proposed changes to the Plan and these are set out in a Statement of Common Ground. In accordance with established practice and in order to assist the Inspector, the Statement includes both matters agreed and matters not agreed.

**Qn 4.1 Would KCC and MBC please provide an update on their respective positions on minerals safeguarding and what if any modifications may be needed to the Local Plan for consistency with national policy?**

- 4.1.1 Discussions have taken place between Kent County Council and Maidstone Borough Council to consider Minerals Safeguarding matters raised by the County Council in its previous representations (at both Regulation 18 and 19 stages) and modifications necessary to ensure consistency with national policy and the Kent Minerals and Waste Local Plan 2013-30. The Kent Minerals and Waste Local Plan was adopted on 14 July 2016.
- 4.1.2 Following these discussions, a Statement of Common Ground has been agreed between the Borough Council and the County Council as Minerals and Waste Local Planning Authority. This is appended to the Written Statements. Whilst progress has been made regarding most safeguarded minerals within the Borough, the County Council considers that *Proposed Change MS3* should be applied to all proposed allocations affected by Mineral Safeguarding Areas identified within Maidstone Borough and not selected geologies. The Borough Council's approach is unsound on the basis that it is contrary to the Kent Minerals and Waste Local Plan 2013-30 and is not consistent with national policy.

### **SESSION 5B: SOUTH EAST MAIDSTONE STRATEGIC DEVELOPMENT**

- 5.1 The County Council has consistently maintained that a plan-led approach to the provision of infrastructure to support growth is required. The jointly commissioned traffic modelling work is intended to form an integral part of the plan-making process in enabling key network constraints and opportunities to be identified.
- 5.2 The Borough Council were advised that their decision making on site allocations and planning applications should be informed by the compelling evidence made available through the traffic modelling. Specific attention has been drawn to the highway capacity constraints that exist on the A229 and A274 corridors in south and south east Maidstone, where there is not currently sufficient certainty that the severe cumulative impact of additional development can be mitigated.
- 5.3 The County Council raised strong objections to the Borough Councils allocation of sites H1 (7) and H1 (10) on these grounds.
- 5.4 Further objections were raised in respect of the planning applications submitted in relation to each of the sites, as the applicants' submissions did not conclusively demonstrate that the severe worsening of congestion and associated consequential effects along the A229 and A274 corridors could be fully mitigated.
- 5.5 Following the resolutions made by the Borough Council to grant planning permission against the advice of the County Council, further discussion on S106 heads of terms is awaited.

#### **Qn 5.13 Given the amount and location of development that is already committed what would be the marginal impacts in these regards of the developments that have not as yet been granted planning permission?**

- 5.13.1 The amount and location of development already committed is largely based on the resolutions to grant planning consent made by the Maidstone Borough Council Planning Committee but no decisions have actually been issued. Therefore the permissions could still be subject to legal challenge. Therefore the Inspector must consider the relevant Local Plan policy allocations and form a view on their soundness in light of all representations and the unresolved objections from statutory consultees including Kent County Council as Local Highway Authority. If the decisions were challenged and any challenge was to be successful, the decisions would have to be re determined in accordance with the development

plan unless material considerations indicate otherwise.

- 5.13.2 If the Inspector considers the relevant Local Plan policy allocations to fail the tests of soundness and as the planning permissions have yet to be issued, the decisions would also most likely have to be referred back to the Planning Committee to re determine due to the material change in circumstances. If the Planning Committee was minded to approve planning consent for a second time, the decisions would again be vulnerable to challenge due to the findings of the Inspector.
- 5.13.3 The jointly commissioned traffic modelling has provided compelling evidence to demonstrate the capacity constraints that exist on the A229 and A274 approaches to Maidstone Town Centre. Additional development over and above the H1 (5) and H1 (6) sites, which are already under construction, has been shown to have an unacceptably severe impact on the congestion already prevalent on this part of the network.
- 5.13.4 The County Council has objected to any emerging Local Plan allocation (or speculative planning application) for major development in this sector of the town, including the planning applications submitted in relation to sites H1 (7), H1 (9) and H1 (10). These objections were raised on the basis of the severe cumulative impact of development on the A229 and A274 corridors without there being sufficient certainty that mitigation can be provided and funded.
- 5.13.5 In commenting on the planning applications, the County Council has highlighted how one of the main consequential effects of the worsening congestion is the use of minor roads by traffic as alternative routes. This has implications on road conditions for the communities of Downswood, Otham, Langley and Leeds, with no conclusive evidence presented to demonstrate that the impact can be mitigated.
- 5.13.6 Having regard to the evidence already available and the strong objections raised in relation to the applications with resolutions to grant planning permission, the County Council is of the view that further development would only serve to exacerbate these issues in the absence of appropriate mitigation. The impact of any additional site that comes forward should not be viewed in isolation as it is the cumulative effect of development that must be considered in the context of the worsening conditions and paragraph 32 of the National Planning Policy Framework. The Borough Council's approach is unsound on the basis that it is not justified, effective and consistent with national policy.

**Qn 5.14 Have the Proposed Changes suitably addressed relevant concerns about the matters that they seek to address?**

- 5.14.1 Proposed change PC/7 removes reference to the size of the primary schools to be provided on H1 (5) and H1 (10) where previously these were proposed to both be two form entry schools.
- 5.14.2 The 'Interim Approval of Maidstone Borough Local Plan Policies 13 March 2013' proposed residential development on four sites in South East Maidstone, H1 (5), H1 (6), H1 (7), H1 (9). In response to this, the County Council identified the requirement for a new two form entry primary school to be commissioned to accommodate the pupils arising from these developments. This school formed part of the proposals at H1 (5), Langley Park and will open in September 2016.
- 5.14.3 The Borough Council subsequently proposed development at H1 (8) and H1 (10); the new primary school at H1 (5) would not have the capacity to accommodate

these extra sites in addition to H1 (5), H1 (6), H1 (7), H1 (9); therefore H1 (8) and H1 (10) would require alternative mitigation projects.

- 5.14.4 H1 (8) at 440 units is likely to generate a maximum 120 primary aged pupils. A primary school close to this proposed development has 45 places in each year group (1.5FE), totalling 315 places. It is currently intended that the mitigation of H1 (8) will be to expand this school to 2FE, providing a total of 420 places. Whilst this school is Greenfields Community Primary, KCC does not consider it appropriate that specific schools be named within development plans prior to a statutory consultation process on expansion being completed, a process which would only be started once the need for places has arisen through the imminent occupation of new dwellings.
- 5.14.5 KCC has requested to the Borough that "up to 1FE expansion of Greenfields Community primary School, Maidstone" be replaced with "an expansion of an existing school in South East Maidstone to accommodate site H1(8)".
- 5.14.6 The need for a new school in addition to the one at H1 (5) would solely arise due to development at H1 (10) as there is no existing school which could be expanded by the significant number of places required to mitigate the proposed allocation. The size of a new school at H1 (10) would need to be proportionate to the demand generated by any proposed development at the allocation; current proposals suggest this to be 1FE. The commissioning of a 1FE school is not strategic and the County Council has significant concerns regarding a school required to accommodate pupils from H1 (10); concerns which have been articulated in consultation to the current planning application on the site (MA/15/509015/OUT).
- 5.14.7 All new schools are required to be free schools and require a sponsor body to establish and run the school; a school of 1FE is less attractive to potential sponsors and is less financially sustainable than a 2FE once operating, this may mean delivering the infrastructure to support H1 (10) at the required time could be challenging to achieve and there are concerns about the longer term sustainability once established.
- 5.14.8 The proposed change to SP3 (PC/7) means that the policy reflects the education infrastructure that would be required to mitigate the proposed allocations. However, it does not address the concern that development at H1 (10) would impose the need for a new primary school which would be smaller than the accepted optimum size for sustainability.

## **SESSION 6B: LARGER VILLAGES HOUSING DEVELOPMENT**

- 6.1 The Secretary of State, in his decision letter of 3 March 2016, agreed with the view of the Inspector that the appeal should be dismissed. One of the stated reasons for dismissal of the appeal is associated with the impact of the development on local congestion. The Secretary of State agreed that *'the level of regularly occurring congestion in this part of Maidstone is more than usually severe'* (paragraph 15) and, in considering the additional traffic movements generated by the development, that *'an increase of this magnitude would be a matter for significant concern'* (paragraph 15). In concluding, the Secretary of State concurred with the Inspector that the development would *'have a severe adverse impact on the highway network, in terms of congestion and inconvenience to local residents and other road users, and on the strategic transport planning of the area generally, and that this would be contrary to the aims of paragraph 32 of the Framework which states that where the residual cumulative transport impacts are identified as severe, development should be*

*refused'* (paragraph 17).

**Qn 6.24 How do the proposed policy changes address the reasons for the dismissal of the appeal and are they sufficient for the site still to be deliverable?**

*Highway Capacity*

- 6.24.1 The proposed policy change reduces the scale of development from 220 to 180 residential units. Whilst this will result in a modest reduction in the associated traffic generation, there will continue to be a worsening of congestion on the network. Those areas worst affected are the A229 Loose Road/Boughton Lane/Cripple Street ('Swan') and A229 Loose Road/A274 Sutton Road/Cranborne Avenue ('Wheatsheaf') junctions.
- 6.24.2 The County Council, as local Highway Authority, must view this modification in light of the material change in circumstances that has arisen since the public local inquiry was held on 7-10 July 2015. These relate to the findings of the strategic VISUM transport model, which has been jointly commissioned by the County Council and Maidstone Borough Council to inform the emerging Maidstone Local Plan.
- 6.24.3 The model has been used to test options relating to the transport interventions that could be implemented alongside planned housing and employment development. Several model runs were undertaken to simulate highway network conditions during peak periods and provide an understanding of the associated impacts on network performance, expressed as total travel distance and total travel time.
- 6.24.4 The first set of modelling results was presented to the Maidstone Joint Transportation Board (made up of both County Council and Borough Council members) in July 2015. They highlighted how the quantum and spatial distribution of growth envisaged within the Local Plan could result in travel time increases of up to 38% by 2031 in the absence of effective mitigation. Although the scale of impact varied across individual routes, the A229 and A274 corridors in south and south east Maidstone were identified as being the worst affected by additional development traffic.
- 6.24.5 Since this evidence became available the County Council has raised strong objections to any emerging Local Plan allocation or speculative planning application for major development on the south and south eastern approaches to Maidstone town centre (i.e. the A229 and A274). This is on the basis that the cumulative impact of recently completed (or consented) development would have an unacceptably severe impact on the local highway network without there being sufficient certainty that strategic mitigation can be provided and funded.
- 6.24.6 A piecemeal approach that seeks to create further capacity at the congested junctions in isolation is unlikely to be appropriate in view of the cumulative effects of additional traffic on congestion across the wider network. It remains uncertain whether a form of improvement can be identified that will provide effective mitigation.
- 6.24.7 The County Council regards this change of circumstances to be highly pertinent, having regard to the weight that was afforded to traffic congestion in the Secretary of State's previous dismissal of the appeal. This has been conveyed to the Secretary of State in a letter dated 21 July 2016, which responded to the request for new representations in relation to the re-determination of the appeal.

### *Highway Safety*

- 6.24.8 The Secretary of State , in his decision letter of 3 March 2016, also agreed with the Inspector that the '*proposed development would result in significant danger to pedestrians, cyclists and other road users*' due to the absence of satisfactory access arrangements. The proposed policy changes have sought to address these issues by providing clarity on the location and forms of provision required.
- 6.24.9 The County Council is supportive of the changes made with specific regard to safety, given that they are intended to reduce conflicts between road users in the interest of highway safety. Having regard to the detailed comments made by the Inspector regarding pedestrian/cycle movement along and across Boughton Lane, it should be made clear that the crossing point on the southern site boundary may need to form part of a package of highway improvements in this area that are designed to facilitate safe interaction between road users.

### *Deliverability*

- 6.24.10 In the absence of any conclusive evidence to demonstrate that the congested junctions can be improved in order to accommodate the cumulative impact of additional development, it remains uncertain that this site can be delivered. The County Council maintains the view that sites should only be brought forward if there is certainty regarding the funding and delivery of the necessary supporting infrastructure.

### **Qn 6.25 What capacity improvement is possible at the Wheatsheaf Junction and would that be sufficient to clear the Swan Junction as claimed having regard to traffic from other proposed developments? [H1 (29) New Line Learning, Boughton Lane]**

- 6.25.1 The Wheatsheaf junction forms the intersection between the A229 and A274 corridors. Road conditions on this part of network, particularly at peak periods, are characterised by the extensive queuing and delays caused by congestion. The junction has been relevant to the objections raised by the County Council in respect of major development allocations (or speculative planning applications) in south and south east Maidstone on account of the unacceptable severe impact that would arise and uncertainty whether suitable mitigation can be provided and funded.
- 6.25.2 The Wheatsheaf junction has been included in the package of transport interventions that form the basis of an Integrated Transport Strategy covering the period to 2022, as agreed by the Maidstone Joint Transportation Board on 22<sup>nd</sup> July 2016.
- 6.25.3 Outline design work is currently being undertaken by the County Council's consultants, Amey, to identify potential options for improvement. The scope of investigation will incorporate the Swan junction in view of the close proximity to the Wheatsheaf junction and the overlapping nature of the queues along the corridor. All options will be the subject of capacity testing to provide an understanding of future conditions in the event that planned housing and employment comes forward.
- 6.25.4 The findings of the outline design work and a programme to progress the detailed design of any preferred option are expected to be available by late September. Until the outcomes of this work are known, it remains uncertain whether the capacity of the junctions can be improved to accommodate the cumulative impact

of the additional development traffic over the period to 2022.

**Qn 6.27 What capacity improvement is possible at the Wheatsheaf Junction and would that be sufficient to clear the Swan Junction as claimed having regard to traffic from other proposed developments? [H1 (53) Boughton Lane, Boughton Monchelsea and Loose]**

- 6.27.1 The Wheatsheaf junction forms the intersection between the A229 and A274 corridors. Road conditions on this part of network, particularly at peak periods, are characterised by the extensive queuing and delays caused by congestion. The junction has been relevant to the objections raised by the County Council in respect of major development allocations (or speculative planning applications) in south and south east Maidstone on account of the unacceptable severe impact that would arise and uncertainty whether suitable mitigation can be provided and funded.
- 6.27.2 The Wheatsheaf junction has been included in the package of transport interventions that form the basis of an Integrated Transport Strategy covering the period to 2022, as agreed by the Maidstone Joint Transportation Board on 22<sup>nd</sup> July 2016.
- 6.27.3 Outline design work is currently being undertaken by the County Council's consultants, Amey, to identify potential options for improvement. The scope of investigation will incorporate the Swan junction in view of the close proximity to the Wheatsheaf junction and the overlapping nature of the queues along the corridor. All options will be the subject of capacity testing to provide an understanding of future conditions in the event that planned housing and employment comes forward.
- 6.27.4 The findings of the outline design work and a programme to progress the detailed design of any preferred option are expected to be available by late September. Until the outcomes of this work are known, it remains uncertain whether the capacity of the junctions can be improved to accommodate the cumulative impact of the additional development traffic over the period to 2022.