



Mr R. Mellor  
Maidstone Local Plan Inspector  
C/O Louise St John Howe  
Programme Officer  
PO Services  
PO Box 10965  
Sudbury  
Suffolk  
CO10 3BF

**BY EMAIL ONLY**

**Growth, Environment and  
Transport**

Room 1.62  
Sessions House  
MAIDSTONE  
Kent ME14 1XQ

Phone: 03000 415981  
Ask for: Barbara Cooper  
Email:  
[Barbara.Cooper@kent.gov.uk](mailto:Barbara.Cooper@kent.gov.uk)

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Dear Mr. Mellor,

**RE: Request for Clarification of the Position of Kent County Council in  
relation to Maidstone Traffic Issues**

I refer to your letter dated 13 November 2016, in which you request responses to a series of questions regarding the views of Kent County Council in relation to Maidstone traffic issues.

Our responses to these questions are provided in turn as follows:

**Question 1a**

The figure of 14,034 dwellings was identified by Maidstone Borough Council as the appropriate basis on which to undertake an assessment of network conditions in a 2022 scenario. This was confirmed at a joint-working meeting held at the Borough Council on 18 January 2016<sup>1</sup> and the traffic modelling was carried out in accordance with this instruction.

The findings of the 2022 modelling were presented by consultants Amey on behalf of the County Council and Borough Council at the Maidstone Joint Transportation Board meeting held on 22 February 2016. At that meeting the County Council confirmed that the overall network-wide picture provided by the modelling demonstrated an overall, Borough-wide, level of impact that could not be regarded as severe in the context of the National Planning Policy Framework (NPPF). The County Council also highlighted how the impact of 14,034 dwellings will not be the same across the whole network due to the

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<sup>1</sup> As referenced on page A22 of the Borough Council's Duty to Cooperate Compliance Statement

nature of the existing constraints and capacity in different locations, and allocating further growth in the south and south east sectors of the town would have an **unacceptably severe impact** on account of the constrained capacity. The board, comprised of both County and Borough elected members, **unanimously** accepted these conclusions and I attach the meeting minutes for ease of reference (see item 149).

The County Council maintains the view that the Borough Council can rely on an overall quantum of 14,034 dwellings over the period to 2022. The proposed distribution of these dwellings should be modified however, so as to ensure that sites in the south and south east of the town do not come forward until suitable strategic mitigation has been identified.

### **Question 1b**

The 'principles' of an Integrated Transport Strategy for the period to 2022 are those transport interventions referred to in the 13 July 2016 Joint Transportation Board resolution. The resolution made by the board, comprised of both County and Borough elected members, states:

1. That the transport interventions identified in paragraphs 2.4 and 2.5, together with a firm commitment to the items identified in paragraph 4.2 of the report of the MBC Head of Planning and Development, be approved as forming the basis of the transport strategy.
2. That this matter be referred to the KCC Cabinet Member for Transport and the MBC Strategic Planning, Sustainability and Transport Committee for approval.

The referenced paragraphs in the resolution read:

2.4 Since the JTB meeting on 7<sup>th</sup> December 2015, the Borough Council's Strategic Planning, Sustainability and Transport (SPS&T) Committee, on 13<sup>th</sup> January 2016, agreed to present the draft Local Plan to Full Council for agreement and Regulation 19 consultation. This was subsequently agreed by Full Council and the draft Local Plan was submitted to the Secretary of State in May. The draft Local Plan contained transport policies and included a number of specific detailed highway improvements including the package of highway improvement schemes previously considered and supported by the JTB (see below and in Appendix B):

- A20/M20 Junction 5
- A229/A274 Wheatsheaf
- A20/Willington Street
- A274/Willington Street and A274/Wallis Avenue
- A20/Hermitage Lane
- A20/Coldharbour Lane

- A249 Bearsted Road and Bearsted Road/New Cut
- A26/Fountain Lane
- The removal of a previously proposed park and ride site at Linton and an existing park and ride site at M20 J7 (which had been in the previous draft)

The draft plan also acknowledged the Bridges Gyrotory scheme which is already being implemented.

2.5 The 'Do Something' model runs also included the following strategy components (also referred to in Appendix B):-

- A typical 10 minute bus frequency.
- The discounting of walk/cycle trips to be based on a distance threshold of 5km within the town centre.
- A 50% increase in long-stay parking charges.

4.2 The following potential adjustments have been discussed:

The ITS will be re-appraised in the future as part of the first review of the Local Plan to commence by 2022. The primary purpose of this exercise would be to identify any additional transport interventions to further support the Local Plan. The approach will be to:

- Establish, at the review point, whether additional highways mitigation is required;
- Establish what the options for mitigation are;
- Undertake a full appraisal of the options. Any options assessment would require, amongst other things, a technical evaluation including Sustainability Appraisal(s) and Strategic Environmental Assessment(s).

Further explanation and amplifications of the intentions regarding a potential South East Maidstone Strategic Link (Leeds-Langley Relief Road) scheme will be provided by Kent County Council. This will highlight how:

- Kent County Council has begun work to establish the justification for and delivery of such a project;
- Traffic Modelling has shown a link between the A20 and A274 would have a beneficial impact upon traffic levels in the congested south and south-east sector of the urban area; and
- The Borough and County Councils will work together to develop the detailed case, including full traffic and environmental impact studies, a preferred route and funding methods. This is reflected in paragraph 17.125 of the draft Local Plan.

### **Question 1c**

The County Council's position - as Local Highway Authority - is that no further major development over and above that already committed in the adopted Maidstone Borough-Wide Local Plan 2000 can currently be accommodated in

the south and south eastern sectors of Maidstone. For the avoidance of doubt, strong objections are therefore raised in relation to the following site allocations in view of their **unacceptable severe impact** on the A229 and A274 corridors:

- H1 (7) North of Bicknor Wood, Gore Court Road, Otham
- H1 (8) West of Church Road, Otham
- H1 (9) Bicknor Farm, Sutton Road, Otham
- H1 (10) South of Sutton Road, Langley
- H1 (29) New Line Learning, Boughton Lane, Maidstone
- H1 (54) Boughton Mount, Boughton Lane, Boughton Monchelsea

It is not yet known whether the highway improvements identified in the SoCG can achieve capacity gains on the A229 and A274 that are sufficient to mitigate the impact. The County Council therefore regards it to be critical that the above sites are omitted from the plan.

The County Council's objection focuses on the spatial distribution of the planned housing, given the inclusion of sites within south and south east Maidstone, rather than the headline housing figure of 14,034 dwellings over the period to 2022. This is consistent with the 22 February 2016 Joint Transportation Board resolution, which acknowledged the **unacceptable severe impact** that further growth in this area would have on the highway network.

The Action Points following Session 1A ('Legal and Procedural') identify the issue (No. 1.1) that MBC should, "... consider how to appropriately reference the intended review of the plan, perhaps through a policy". The Proposed Change (reference PC/84 in document ED 045) includes additional wording in the supporting text at the end of Local Plan Chapter 21 Monitoring and Review and three matters which would trigger a review at an earlier date (i.e. before 2022). The third matter states, "Where the output of updates to the Borough Council's evidence base would significantly impact on the policies of the Local Plan".

The principles of an Integrated Transport Strategy have only been agreed for the Local Plan period to 2022 [document SUB 019]. The matters triggering a review prior to 2022 date should explicitly refer to the outputs of the strategic transport mitigation work which will continue at pace and with a view to identifying strategic mitigation options beyond 2022, to accommodate the assessed development needs across the whole of the plan period.

In his report to the Secretary of State regarding the proposal for major development at Land at Boughton Lane, the Planning Inspector drew a clear distinction between considering individual development sites for the purposes of decision taking, and the role of the plan making process to comprehensively identify development needs alongside necessary supporting infrastructure: "... the transport situation in Maidstone clearly cries out for a coordinated approach to housing and infrastructure... 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 241). In his decision letter, the Secretary of State explicitly agreed with his Inspector (paragraph 16).

In the well documented absence of a strategic package of highways mitigation on a demonstrably heavily constrained part of the local highway network (i.e. south east Maidstone and the A274/ A229 corridors), the determination of planning applications by the Borough Council demonstrates a piecemeal approach to addressing development needs. The Local Plan review provides the mechanism to deliver a plan-led development and infrastructure strategy and the delivery of sustainable development.

**Question 1d**

The conclusions of KCC in terms of the residual traffic impacts on the highway network in 2022 are entirely based upon the modelling evidence that has been developed by Amey on behalf of MBC and KCC. The 2022 forecast scenarios were modelled based upon the development projections provided by MBC which totalled 14,034 houses and take account of the transport interventions agreed by the Joint Transportation Board. The 2022 Do Something scenario provides an indication of forecast traffic conditions on the network in general and more specifically on the key links in south and south east Maidstone that are already heavily congested during peak highway periods.

With regard to the Planning Inspector’s comments at the Land at Boughton Lane planning appeal, KCC considers the residual traffic impacts of proposed development on key links in south east Maidstone to be severe. The Planning Inspector provided a quantified interpretation of the term ‘severe’ in the context of paragraph 32 of the NPPF in this specific part of the road network by stating “...an increase of 30%, or even 15%, would be likely to interfere with traffic movements to a degree that would be unacceptable...it would not be an exaggeration in my view to say that the situation would be likely to come close to being intolerable.”<sup>2</sup> Within this context the outputs of the VISUM modelling need to be considered, specifically the traffic flow and journey time outputs on the key links to the SE of Maidstone, as contained in submission document TRA 36A appendices E & F, summarised below:

**2022 Do Something Link Flows (two-way) - % increase from 2014**

|                   | AM Peak | PM Peak |
|-------------------|---------|---------|
| A274 Sutton Rd    | 32%     | 38%     |
| A229 Loose Rd     | 22%     | 14%     |
| Willington St (N) | 35%     | 36%     |
| A229 Linton Rd    | 40%     | 39%     |

**2022 Do Something Journey Times - % increase from 2014**

<sup>2</sup> Paragraph 228, Planning Inspectorate Report to the Secretary of State for Communities and Local Government (7 September 2015)

|                | Peak | Inbound | Outbound |
|----------------|------|---------|----------|
| A274 Sutton Rd | AM   | 9%      | 16%      |
|                | PM   | 14%     | 10%      |
| A229 Loose Rd  | AM   | 13%     | 25%      |
|                | PM   | 30%     | 30%      |

The above model outputs clearly demonstrate that the forecast traffic impacts of the proposed development in SE Maidstone by 2022 would be of a similar order to, or even greater than, that defined by the Planning Inspector at the Boughton Lane appeal and therefore in the interests of consistency must be considered as severe in the context of the NPPF.

A lower housing trajectory at 2022 has not been modelled and therefore KCC cannot provide any comment on the potential traffic impacts of such a scenario. However, the County Council's position - as Local Highway Authority - is that no further major development over and above that already committed in the adopted Maidstone Borough-Wide Local Plan 2000 can currently be accommodated in the south and south eastern sectors of Maidstone.

The currently modelled 2022 scenarios were jointly commissioned by both MBC and KCC and indeed the development projections were provided by MBC, as planning authority. KCC were not made aware of an alternative housing projection at 2022 by MBC at the time of the modelling work.

## **Question 2**

Please find attached the following documents:

- The County Council's consultation comments, as Local Highway Authority, on the original planning application (dated 5 March 2014).
- The County Council's representation, as Local Highway Authority, in respect of the Secretary of State's further consideration of the planning application (dated 21 July 2016).

Following the confirmation from the Planning Inspectorate that the Public Inquiry is to be re-opened, the County Council - as Local Highway Authority - has registered to appear at the Inquiry under Rule 11 of The Town and Country Planning (Inquiries Procedure) (England) Rules 2000. A Statement of Case will be submitted to the Planning Inspectorate in advance of the 25 November 2016 deadline. A copy can be supplied to the Examination in due course.

The Statement of Case will explain the material change in circumstances that has arisen since the public local inquiry was previously held from 7-10 July 2015.

Following the closure of the inquiry, the findings of the traffic modelling work jointly commissioned by the County Council and Borough Council to inform

the emerging Maidstone Local Plan became available and were first presented to the Joint Transportation Board at its meeting of 22 July 2015. The modelling confirmed the capacity constraints on the south and south eastern approaches to Maidstone town centre (the A229 and A274) and demonstrated how further development in this area would have an **unacceptable severe impact** in the absence of certainty that strategic mitigation can be provided and funded.

Over the intervening period the County Council, as Local Highway Authority, has consistently raised strong objections to emerging Local Plan allocations and planning applications for major development in the south and south east sector of Maidstone.

### **Question 3**

The County Council, in its capacity as Local Highway Authority, objects to both of the proposed housing allocations on account of their severe impact on the congested A229 corridor in the absence of effective strategic mitigation.

This objection takes account of the proposed improvement to the Swan junction that is identified in submission document TRA 030. The County Council's view is that the junction modifications put forward by the Borough Council will be detrimental to highway safety at a key interchange where there is already a history of collision-type crashes (four slight injury incidents over the period 2013-15). Of particular concern is the potential for hazards to be worsened by the exit blocking caused by traffic on the A229 and the implications of adding/re-positioning signal heads on footway clearances and on forward visibility for road users. It is expected that issues of this nature would be raised in any safety audit.

The capacity modelling of the proposed improvement is also fundamentally flawed in how it disregards the overlapping nature of the queuing from nearby junctions such as the A229/A274 Wheatsheaf. This reduces the reliance that can be placed on the modelling findings, given that they do not reflect the actual conditions.

From a Local Highway Authority perspective, these sites should be omitted from the plan at this time to enable more comprehensive and workable forms of improvement to be properly investigated. It may then be appropriate for the sites to be reconsidered as part of a Local Plan review by 2022, which can have regard to any identified forms of mitigation.

At the same time, it is recognised that the council has competing priorities about H1(29) and H1(54) and has previously provided representations around these sites from a non-highways perspective, which to our knowledge persist. Clearly, any decision(s) around planning for these or indeed any sites would involve balancing a variety of competing representations of which KCC comments (highways and otherwise) only form a part.

### **Question 4**

Please see attached.

Subsequent to the receipt of this letter, the Borough Council's Strategic Planning, Sustainability and Transportation Committee resolved on the 14 December 2015 to delete the references to the "*widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road*" from the Draft Integrated Transport Strategy. In simple terms, neither MBC nor KCC therefore wish to pursue this scheme.

### **Question 5**

KCC's position with regard to bus priority on the A274 is in response to the evidence provided in the MBC commissioned Mott MacDonald A274 Sutton Road Corridor Study (TRA 28), as well as experience from other bus priority schemes within the county. It is important to note, however, that KCC's view on bus priority in this location is not only based upon whether it would disadvantage other road users but also on a wide range of other factors, which are considered not to have been fully considered/investigated at this stage.

Fundamentally the provision of bus priority measures needs to be considered fully in the context of the nature and location in which they are being proposed, in accordance with the NPPF. Bus travel in Maidstone currently attracts a very small proportion of the peak hour modal split<sup>3</sup> and has perceived issues with regards to journey time reliability, high cost and poor connectivity with other public transport modes. Whilst in theory the provision of a bus lane on the A274 would provide some level of benefit to bus passengers, the proposals do not cover the entire route into the town centre on the A229 and therefore do not provide significant benefit in terms of 'door to door' journeys which would help to encourage significant modal shift from car to bus. Furthermore the type of dwellings being developed along the A274 (typically 3 and 4 bedroom houses) are likely to attract a certain demographic that will have high car ownership and therefore be less inclined to travel by bus.

With regards to the A274 Sutton Road Corridor Study (TRA 28), the conclusions suggest that all other proposed mitigation for the A274 and A229 corridors is not considered to be sufficient to cater for forecast levels of traffic by MBC's consultants Mott MacDonald. This therefore implies that the proposed bus priority measures are key to enabling proposed development and mitigating forecast transport issues along the corridor. However, the study does not fully assess the strategic impact of the proposals, but relies upon high-level theory and broad estimates of benefits; which raises questions of uncertainty and reliability of the study outputs.

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<sup>3</sup> 2011 Census travel to work data indicates that 2.6% of Borough residents travel by bus/coach to work, compared against the 44.3% of residents that drive

The study itself, in paragraphs 3.4.5, 4.2.5 and 4.4.2, alludes to significant forecast delays above existing levels, which would affect the junctions and other non-prioritised sections for buses. It is therefore considered wholly misleading to suggest that buses will not observe delay whilst all other traffic will. Based upon the negligible level of benefits presented KCC considers it highly questionable whether the intended and required modal shift would occur as a result of the proposals, particularly given other wider issues/questions which were not considered in the study; such as:

- The fundamentally unsustainable locations of the planned new development sites;
- The need for complimentary improvements to waiting facilities and information provision;
- Does the town centre bus station etc. have sufficient capacity to serve the anticipated level of bus frequency?
- No consideration of bus fare pricing structure and the commercial viability of the proposals;
- No reference to a complimentary parking strategy for the town to help encourage modal shift;
- Only high level cost estimates provided (excluding risk, inflation and contingency);
- No detailed cost/benefit analysis undertaken; and
- The proposals potentially undermine capacity improvements at the Wheatsheaf and Armstrong Rd junctions, which are also included in the ITS;

In conclusion, KCC considers that the potential for bus priority on the A274 has not been fully investigated at this stage and therefore there is no certainty regarding the required and essential mitigation of proposed development allocations in SE Maidstone within the Local Plan.

Furthermore, the focus on bus travel to deliver such mitigation contradicts the recent decision by MBC to close the Park & Ride site near M20 J7. Given the current lack of evidence in support of bus priority measures along the corridor, and the generally acknowledged lack of alternative mitigation, KCC feels that any non-consented (including sites with resolution to grant) sites in SE Maidstone are premature. As such these sites should be deferred until the review of the Local Plan in 2022 by which time more comprehensive investigations into alternative mitigation such as bus priority and the SEMSL will have been undertaken.

### **Question 6**

The County Council's written statement, in answering question 12.15, draws attention to how bus priority should not uniformly be regarded as appropriate. Careful consideration of the local context is essential in understanding the relative benefits and consequences of such provision. This approach is consistent with paragraph 32 of the NPPF, which highlights how plans and decisions should take account of whether the opportunities for sustainable travel modes have been taken up 'depending on the nature and location of the site'.

The County Council's written response to question 12.18 also highlights how the needs of pedestrians and cyclists are afforded the highest priority in the Manual for Streets user hierarchy. This indicates that public transport provision may not be appropriate in situations where there may be impacts that, either directly or indirectly, affect those types of road users.

With this in mind it is noteworthy that the proposed site allocations in south and south east Maidstone offer very limited scope for walking and cycling in view of their locations in relation to the town centre and rail stations. This was, for example, acknowledged in the Transport Assessment (paragraphs 2.2.1 and 2.4.3) and Travel Plan (paragraph 3.3.2) submitted in support of the planning application for H1 (10) South of Sutton Road, which identified distances of 5.5km to the town centre, 4.5km to Bearsted rail station and 6.5km to Maidstone East rail station.

It is therefore evident that the Borough Council's reliance on optimistic assumptions associated with public transport use is intended to compensate, at least in part, for the limited walking and cycling opportunities that will be available in these areas.

#### **Question 7**

The County Council has obtained legal advice on how the financial contributions previously secured in relation to Land at Langley Park (MA/13/1149), Land North of Sutton Road (MA/13/0951) and Land West of Bicknor Farm Cottages (MA/13/1523) could be lawfully used. This has indicated that the County Council would not be acting unreasonably if the funds were spent on a transport purpose associated with mitigating the impact of those developments. Such use would not be prejudicial to the planning permissions which have been implemented and are impregnable.

The Local Plan review process will inform discussions between the Highway Authority and the Planning Authority by identifying the appropriate strategic improvements required to support committed and planned development. Any further contributions gathered from development to which the Highway Authority has objected will be held until the outcome of the review is clear.

Yours sincerely,

**Barbara Cooper**

Corporate Director – Growth, Environment and Transport