

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

## Kent County Council Written Statements

### Session 10A Yalding Reps & Similar Issues

#### **Qn 10.3: Having regard to national policy, would the residual traffic impacts of the H1 (67) development be 'severe' after mitigation?**

10.3.1 The County Council, as Local Highway Authority, did not raise in principle objections to the allocation of the site for 65 residential dwellings.

10.3.2 The site promoter has initiated pre-application discussions with the County Council that have primarily focused on potential proposals for traffic calming features to be provided along Vicarage Road. Such features are intended to achieve an appropriate site access junction design, but could also serve to deter the use of Vicarage Road by through traffic.

10.3.3 The residual traffic impact of the development will need to be identified within a Transport Assessment as part of any planning application. On receipt of this information the County Council will form a definitive view on whether any traffic related impact can be suitably mitigated.

10.3.4 The scale and form of mitigation required may not be limited to that specified in the policy criteria, and it should therefore be made clear that the scope of any assessment will need to have full regard to the provisions of criterion 2 of policy SP16.

#### **Qn10.4 Is there scope to improve Hampstead Lane in association with new development and should that be a policy criterion?**

10.4.1. Hampstead Lane functions as the B2162 and, to the west of the site, provides connectivity to the A228 via the B2015 (Maidstone Road). This ensures that the site is afforded suitable access to the primary road network. The policy includes criterion 13 and 14 for safety improvements at the level crossing and the improvement of the Maidstone Road/Hampstead Lane junction, which are geared towards ensuring that most traffic routes in this direction.

10.4.2 The section of Hampstead Lane to the east of the site, which leads towards Yalding village, is more constrained in terms of width and alignment as it crosses the River Medway. It is less suitable as a route for development traffic and there is limited scope for improvement. Any measures on this part of Hampstead Lane are more likely to be focused around traffic management and ensuring that pedestrians, cyclists and public transport users are afforded good levels of connectivity to Yalding. This is largely captured in policy criterion 15.

10.4.3 On this basis, the addition of a policy criterion for the improvement of

Hampstead Lane is not considered necessary in view of the requirements of development already identified in Policy RMX1 (4).

### **Session 11 Development Management Policies**

**Qn11.17 How would the requirement for 'sufficient parking' be interpreted and should that be made clearer in the policy for it to be effective (eg by a cross reference to Policy DM27)?**

11.17.1The County Council considers that a cross reference to policy DM27 is necessary to ensure Policy DM8 is effective and to signpost users of the Local Plan to the relevant parking standards.

**Qn11.21 Does the policy need a parking criterion for it to be effective, and if so what, or is that matter suitably addressed by Policy DM27?**

11.21.1As Policy DM10 refers to the generality of new buildings within domestic garden land, it may not be apparent to users of the Local Plan that the implications of any proposal on residential car parking must be considered and addressed in accordance with Policy DM27. A criterion that highlights this requirement is necessary to ensure that Policy DM10 is effective and signposting Policy DM27 would provide greater clarity.

**Qn11.28 Does the wording of Criterion 3(i) mean that all impacts of trips generated to and from a development would have to be fully mitigated (such that the residual impact would be zero) and would that be inconsistent with NPPF paragraph 32?**

11.28.1The County Council is supportive of a policy requirement that places an onus on development proposals to mitigate the impacts of trip generation as much as practicable. It is recognised however, that a requirement for full mitigation may not be justifiable in instances where it can be demonstrated that there is sufficient capacity on transport networks or no adverse impacts would arise. This is consistent with paragraph 32 of the NPPF, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

11.28.2The criterion should therefore be adjusted to highlight how development proposals should demonstrate that trip related impacts can be accommodated, remedied or mitigated.

### **Session 12 Transport and Infrastructure**

**Qn12.8 Has the impact of Local Plan development on the A249 north of Maidstone been taken into account by MBC and other relevant authorities?**

12.8.1To the north east of Maidstone, the section of the A249 extending between Junction 7 of the M20 and Junction 5 of the M2 forms part of the county road network managed by Kent County Council. The section of the A249 that extends northwards from Junction 5 of the M2 to Sheerness is

part of the trunk road network managed by Highways England.

12.8.2 The relevant part of the A249 that falls under the responsibility of the County Council takes the form of a dual carriageway. This provides direct and efficient connectivity between the two motorways, although traffic congestion is prevalent on the southbound approach to M20 Junction 7 during peak periods. Side road junctions providing local access take the form of at-grade priority arrangements. Some of these junctions are restricted in that they do not incorporate breaks in the central reserve to accommodate multi-direction turning movements.

12.8.3 The impact of Local Plan development on the A249 will be most pronounced at M20 Junction 7, as this forms a point of access to the motorway network. The County Council has been party to the dialogue between the Borough Council and Highways England regarding the assessment of impact and need for appropriate mitigation to be provided. It is understood that work is on-going to address comments made by Highways England (ED 019) in relation to the Borough Council's technical note (TRA 037). Subject to the outcomes of this work, the County Council continues to support the principle of improvements to Junction 7 that will assist traffic flow on the A249 approaches.

12.8.4 It is not anticipated that the impact of Local Plan development will have a major bearing on highway safety at the numerous side road junctions on the A249, although the need for any mitigation will need to be considered on a case-by-case basis. In the longer-term any rationalisation of junctions on this route will be dependent on any decisions taken in relation to a Lower Thames Crossing, given the potential implications on traffic volumes using the A249 corridor.

**Qn12.9 Is there a statement of common ground between KCC and MBC?**

12.9.1 A Statement of Common Ground between the MBC and KCC, as Local Highway Authority, has been prepared and is referenced SUB 019 within the evidence library.

**Qn12.10 Would KCC and MBC please provide an update of their respective positions in the light of the results?**

12.10.1 The most recent traffic modelling undertaken using the VISUM transport model has provided an understanding of network conditions in the 2022 interim scenario (as presented in TRA 036). The 2022 modelling results were presented to the Joint Transportation Board on 22<sup>nd</sup> February 2016 and informed the resolution taken by the board on 13<sup>th</sup> July 2016 to move forward with a transport strategy covering the period up to 2022.

12.10.2 The modelling undertaken for the full 2031 plan period has most recently included a further run of the 'Do Minimum' scenario to reflect the full objectively assessed need development allocation (as presented in TRA 035). The 2031 modelling results have evidenced the severe impact that would arise from planned growth on parts of the highway network, most notably in the south east of Maidstone.

12.10.3 The County Council therefore maintains the position that the modelling results support an approach that is founded on a review of the Local Plan by 2022 to enable the mitigation necessary for the onward period to 2031 to be fully assessed and identified.

**Qn12.11 What is the likely first date by which any Leeds-Langley Relief road could become operational and if a route (and funding) were agreed such that it could be included in the first Local Plan Review, could it realistically be implemented before the end of the Local Plan period?**

12.11.1 The County Council has begun work to establish the justification for a Leeds-Langley Relief Road between the A20 and A274. The work necessary to identify a preferred scheme, outline business case and indicative funding model will be completed by 2022 in order to inform the first review of the Local Plan. The outline business case will include a programme to establish the timeline for scheme development and delivery.

12.11.2 If it is assumed that efforts to secure funding are run in parallel and are successful, the County Council's initial view is that the road could be operational within 10 years. This assumes that the design process, public engagement, statutory orders and planning approval can be completed within 8 years and that construction of the road could then be completed within a further 2 years.

12.11.3 On this basis it is eminently plausible that the road could be operational as early as 2027, which provides an element of contingency in advance of the end of the plan period in 2031.

**Qn12.12 How might such a road be funded?**

12.12.1 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 what transport interventions are necessary to support housing and employment growth over the period beyond 2022 to 2031.

12.12.2 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 via Section 106 contributions, which may include enabling development. Other funding mechanisms, such as capturing enhanced land values and the Large Local Major Schemes fund, may also be considered.

**Qn12.13 In the interim, and before a route or funding has been identified for any relief road, should mitigation works be carried out on the existing network to address the impact of development that has already been committed?**

12.13.1 The County Council has consistently maintained the view that planned growth in south east Maidstone can only be regarded as acceptable if it is accompanied by the transport infrastructure necessary to support it. This takes account of the capacity constraints that exist on the A229 and A274 corridors and the severe worsening of congestion that will arise without effective mitigation.

12.13.2 It is currently uncertain whether road improvements can be devised that, in conjunction with other transport measures, can enable some or all of the planned development in this part of Maidstone to be accommodated. The County Council views the Leeds Langley Relief Road as a potential means of overcoming the constraints that exist on this part of the network. Work is already underway to ensure that it can be considered as part of the scheduled Local Plan review by 2022.

12.13.3 Until the outcomes of the 2022 review are known, there is no robust and effective mitigation identified for development in south east Maidstone. Those developments with resolutions to grant consent are not supported by mitigation proposals that will prevent the unacceptable worsening of congestion on the key A229 and A274 corridors. This highlights how an uncoordinated, piecemeal approach to development and infrastructure planning is not in the interest of the existing local communities and travelling public, who will be faced with even longer queuing and delays.

12.13.4 The County Council regards major development in this part of Maidstone to be premature in advance of the scheduled 2022 review in view of the severe impact it will have on congestion. The suitability of the allocated sites should be reconsidered as part of the 2022 review so that any quantum of development taken forward is commensurate with the mitigation that can be provided to support it.

**Qn12.15 Does KCC consider the policy unsound and if so, why?**

12.15.1 Policy DM25 is intended to enhance the attractiveness of public transport and ensure that public transport provision forms an integral part of new development design.

12.15.2 The modification sought is necessary to ensure that Policy DM25 is sound and for effectiveness, a qualification within the policy (1i) is required regarding bus priority to highlight how such measures will not uniformly be regarded as appropriate i.e. "Bus priority measures at junctions **where appropriate**". The modification is also necessary to ensure that Policy DM25 is consistent with national policy and whilst paragraph 32 recognises that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, this depends on, "... the nature and location of the site". The merits of bus priority therefore need to be viewed on a case-by-case basis and offer

demonstrable benefits when assessed against alternative options, having regard to any consequential effects of reducing or displacing the road space currently used by other road users. This approach is also consistent with the need to co-ordinate bus priority provision to ensure that tangible benefits to service reliability are achieved.

**Qn12.16 Has the further evidence gathering modified the views of KCC or MBC on this matter?**

12.16.1 The County Council's views on this matter are unchanged in that there is no presumption that bus priority measures are appropriate in any given situation.

**Qn12.17 Is there evidence from elsewhere in Kent or from other areas as to whether bus priority measures result in a shift from cars to buses and has that been factored in to any modelling?**

12.17.1 The VISUM transport model has provided a strategic basis for assessing the traffic impact associated with the emerging Local Plan. The key 2031 (Option 4) and 2022 model run scenarios have not accounted for bus priority, as such measures were not endorsed by the Maidstone Joint Transportation Board for inclusion in the package of transport interventions.

12.17.2 The modelling software also cannot accurately capture the effects of bus priority in the testing of network conditions. This would make it difficult to draw firm conclusions on the effectiveness of bus priority as a form of mitigation. The model runs do however, account for proposed upgrades to bus service frequencies on the main radial routes.

12.17.3 Whilst bus priority measures have been successfully deployed elsewhere in Kent, as evidenced by Fastrack in Kent Thameside, the context in Maidstone is markedly different due to the constrained road network. Paragraph 32 of the NPPF recognises that plans and decision should take account of whether the opportunities for sustainable transport modes have been taken up, "depending on the nature and location of the site". Therefore in the context of Maidstone, it is highly unlikely that any marginal operational gains would lead to a level of modal shift sufficient to justify the disadvantages experienced by other road users.

**Qn12.18 If the intention of Policy DM25 is to balance the transport system in favour of sustainable modes why would a scheme which benefitted public transport users but may disadvantage other road users not be consistent with national policy?**

12.18.1 On the most congested parts of the highway network it is plausible that proposals aimed at achieving compliance with Policy DM25 could result in marginal benefits to public transport users and substantial disadvantages to other road users, including pedestrians, cyclists and motorists. In instances where this balance would either result in a severe worsening of congestion or give rise to increased highway safety hazards due to road users diverting onto less suitable routes to avoid delays, the overall net

effect will be severe. A proposal could therefore be rejected in accordance with paragraph 32 of the NPPF, which states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

12.18.2 It is also important to note that the hierarchy of road users, as identified in Table 3.3 of Manual for Streets, highlights how the needs of pedestrians and cyclists should ordinarily be put before those of public transport users. An approach to transport provision that could disadvantage those road users that should be afforded highest priority, particularly in terms of highway safety, is unlikely to represent an appropriate movement strategy. Such circumstances are highly relevant in instances where the reallocation of roadspace can heighten the potential for road user conflicts to arise on alternative routes.

**Qn12.19 Do the current Local Transport Plan and the development plan currently support bus priority measures and, if so, what weight should they carry?**

12.19.1 The current Local Transport Plan (LTP3) covering the period 2011 to 2016 identifies how an integrated transport strategy is to be developed to support future development in Maidstone. Paragraph 8.48 (page 91) specifically highlights how the enhanced provision and priority of bus services is expected to form part of a package of traffic management measures geared towards encouraging sustainable travel.

12.19.2 The current adopted version of the Maidstone Borough-Wide Local Plan 2000 includes saved policy T2, which identifies the intention to develop a range of preference measures to aid and assist public transport services.

12.19.3 Both documents are considered to carry very limited weight in view of the changes in local transport context that have arisen since their preparation. They are also due to be superseded. A new Local Transport Plan (LTP4) has been published for consultation and is expected to be adopted in early 2017. Until the new LTP4 is adopted, LTP3 is still extant; however, limited weight must be given to it as it is a plan for a 5 year period from 2011 to 2016, which is largely inconsistent with the time period for the emerging Maidstone Borough Local Plan. The period for the Local Plan is largely consistent with the time period of the new LTP4 (2016-2031) which will be adopted in early 2017, subject to revisions following the consultation process and approval by Kent County Council.

12.19.4 The consultation draft LTP4 lists public transport improvements as a future scheme priority for Maidstone (page 36). This includes redevelopment of Maidstone East (railway station), refurbishment of Maidstone bus station and bus infrastructure improvements. Bus and rail improvements are listed as a countywide strategic priority and the outcome of affordable and accessible door-to-door journeys through promoting "affordable, accessible and connected transport to enable access for all to jobs, education, health and other services" is a key feature of the new LTP4. This is alongside the outcome for better health and wellbeing through promoting "active travel choices for all members of

the community to encourage good health and wellbeing, and implement measures to improve local air quality". The other outcomes are safer travel and an enhanced environment, alongside economic growth and minimised congestion by delivering "resilient transport infrastructure and schemes and reduce congestion and improve journey time reliability to enable economic growth and appropriate development, meeting demand from a growing population". It is these outcomes from the draft LTP4 that the emerging Local Plan should have regard to.

12.19.5 In its response to Qn 12.15, the County Council has requested that the reference to bus priority in emerging Local Plan policy DM25 is modified to ensure soundness.

**Qn12.20 If bus priority measures are not introduced how else can traffic impacts of already committed development be adequately mitigated in the present absence of any scheme for a new road?**

12.20.1 There is no agreed mitigation for planned development in south east Maidstone. This will need to be considered as part of the Local Plan review by 2022, when work on the justification for a Leeds Langley Relief Road will have been completed alongside an assessment of other alternative transport options, including bus priority. Until the conclusions of this review are known, major new development in south east Maidstone is regarded to be wholly premature and not justified in view of the demonstrable severe traffic impact that will arise on the A229 and A274 corridors.

**Qn12.21 Why has MBC reduced or abandoned park and ride schemes and would they not be needed to take full advantage of any bus priority measures?**

12.21.1 The decision taken by the Borough Council to withdraw the Sittingbourne Road park and ride service has reduced the travel options available for journeys to and from Maidstone town centre. The County Council regards this to be most unfortunate in how it has removed an opportunity for car users to switch to public transport.

12.21.2 In instances where bus priority measures along a route may be contemplated, there will need to be justifiable and demonstrable benefits to public transport users that can be weighed against any disadvantages that may be experienced by other road users. The existence of a dedicated, high frequency park and ride service could influence the balance of considerations in this regard, together with the prevailing road conditions that may exist along the road corridor under investigation.

**Qn12.24 Are any further specific changes suggested to address the matters raised in the above representations and would they be needed for the Plan to be sound?**

12.24.1 Policies H2 (2) and H2 (3) identify broad locations for housing growth. The County Council has previously confirmed to the Borough Council that to accommodate the pupils generated from these significant developments, each



broad location will require a new two form entry primary school. These primary schools are required to be:

1. incorporated within the broad locations;
2. delivered in conjunction with the residential component; and
3. funded by the developments.

12.24.2 Within R1970 (section 2.3) the County Council sought amendments to these two policies and the associated elements of the Infrastructure Delivery Plan [SUB 011] to ensure that the three requirements set out above are included within the policies and that there is consistency between H2 (2) and H2 (3) both in terms of their content and wording.

12.24.3 Changes PC/38 and PC/39 [SUB 010] alter the education infrastructure elements of policies H2 (2) and H2 (3). The amended criterion 3 of Policy H2 (2) (Invicta Park Barracks) states, "*Ensuring requisite community facilities, which may include neighbourhood shopping and health in addition to a new primary school, are delivered where proven necessary and in conjunction with housing;*"

12.24.4 The amended criterion 5 of Policy H2 (3) (Lenham) states, "*provision of land for a new primary school and provision of, or contributions towards, other community infrastructure (e.g. medical facilities, youth facilities) where proven necessary, to be delivered in conjunction with housing "*

12.24.5 There remains a clear inconsistency. Policy H2 (3) (Lenham) states "provision of land for a new primary school" and does not refer to contributions towards its construction; Policy H2 (2) (Invicta Park Barracks) refers to "a new primary school" which could be interpreted as land and funding.

12.24.6 Therefore, even when regard is had to the Proposed Changes (PC/38 and PC/39), policies H2 (2) and H2 (3) are not sound. In order to ensure the policies are positively prepared, effective and consistent with national policy, both policies H2 (2) and H2 (3) must require the land and funding for new primary schools for which there is a demonstrable need arising directly from the identified broad locations.

#### **Qn12.26 Is KCC satisfied with the proposed changes?**

##### Continued Omission

12.26.1 Within R1970 (section 2.2) and responses to previous consultation drafts, the County Council requested that the Borough Council safeguards land for educational purposes necessary to allow Harrietsham Primary School to expand (a plan of the area required has previously been provided).

12.26.2 Policy SP 6 of the submitted Local Plan contains a criterion (3 ii) identifying the provision of a one form entry expansion of Lenham or Harrietsham primary school as a key infrastructure requirement. However, the policy does not safeguard land at Harrietsham for educational use. Therefore the County Council's ability to commission additional school places in the most appropriate area to accommodate pupils generated by new housing may be compromised. By virtue of the failure to make adequate infrastructure provision

for Harrietsham, Policy SP3 is not sound as it is not positively prepared, effective and consistent with national policy. Paragraph 72 of the Framework states:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted”.

12.26.3 Further education matters within R1970 related to policies H2 (2) and H2 (3) and are addressed in Qn 12.24 of this statement and to Policy SP3, which was addressed in the statement relating to Qn 5.14 (Session 5B).

20.10.2016