

**MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION  
WRITTEN SUBMISSION BY CPRE KENT &  
MAIDSTONE DISTRICT COMMITTEE OF CPRE KENT**

SESSION 12 - TRANSPORT AND INFRASTRUCTURE

2. M20 JUNCTIONS

CPRE Kent has not responded to any of the questions in this section as ED 032 sets out that further work on modelling to address Highways England concerns will be undertaken with a view to signing a Statement of Common Ground before the Transport Hearing in November. This should be available by 10 November. Depending on the results of this work and Statement of Common Ground CPRE Kent may wish to comment once it is publicly available.

3. SOUTH AND EAST MAIDSTONE, POLICY DM24 AND THE INTEGRATED TRANSPORT STRATEGY

CPRE Kent understands that a Leeds-Langley Relief Road Group has been convened and that the group consists of members of Kent County Council and Parish Councils. However, we are not aware that details of possible route alignments or road designs have been developed and made public.

We note that the Leeds-Langley Relief Road Scheme is included in the Consultation Draft LTP4 Delivering Growth Without Gridlock, and that consultation ends on 30 October 2016. CPRE Kent is preparing a response that has still to be finalised.

We are generally concerned that building new roads increases traffic under the 'induced traffic' effect. When a new road is built new traffic will divert onto it. People make trips that they would not otherwise have made and travel longer distances. The potential of smart technology, and travel planning and traffic reduction can help reduce traffic on existing roads. Consideration should be given to the role such measures will have over the plan period and beyond before opting for a new relief road.

**Qn12.14 Do the above Representors seek any specific changes to Policy DM24 that relate to their original representations and which they consider are essential to make the policy sound?**

CPRE Kent has responded as follows to the Session 11 questions on DM24 as follows:

*'Parts 1 and 2 of the Policy seem to be expressions of strategy. We suggest that they are moved to a strategy section of the plan.'*

We have also commented on Policy DM5 Air Quality as follows:

*'NPPF paragraph 124 requires that 'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. ...'*

*'The DEFRA report on Improving air quality in the UK Tackling nitrogen dioxide in our towns and cities UK overview document December 2015 in section 7.1. Infrastructure and land use planning at paragraph 231 states that 'New infrastructure and other developments need to be sensitively planned to ensure they do not add to, or cause, significant additional air quality issues.'*

'A recent Planning Opinion of Robert McCracken QC for Clean Air in London on Air Quality and emissions<sup>1</sup> sets out that:

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<sup>1</sup> Air Quality and emissions. Clean Air in London; Air Quality Directive 2008/50/EC and Planning Opinion of Robert McCracken QC, Frances Taylor Building. E-law January/February 2016

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*'65 Because of the admitted, serious, and ongoing breaches by the UK of the limit values of the Air Quality Directive 2008/50/EC planning authorities have a duty in their decision making to seek to achieve compliance with the Directive's limit values.*

*66 Where a development would cause a breach in the locality of the development they must refuse permission.*

*67 Where a development would in the locality either make significantly worse an existing breach or significantly delay the achievement of compliance with limit values it must be refused.*

*68 Where limit values are not exceeded in the locality planning authorities must try to prevent developments from worsening air quality and to achieve best air quality, only permitting the former if the development can be justified by the principle of sustainable development as understood in a European Union (not English) sense. ...'*

The policy as worded is not clear.

There is no guidance on how an application will be determined if air quality in the AQMA already exceeds the legal compliance level.

There is no guidance on how an application will be treated if, either individually or collectively, it would result in a worsening of air quality in the AQMA, or on roads outside the AQMA which experience higher levels of air pollution, such that it exceeds the legal compliance level.

In bullet 3 the use of the wording 'where necessary' is unhelpful as it could result in proposals that result in levels of air pollution that exceed the legal compliance level being permitted and not incorporating any mitigation measures. The phrase should be deleted.

CPRE Kent is concerned policy DM12 would permit windfall developments on sites adjacent to the Maidstone urban area as this could result in additional traffic on the main routes into the town centre. Such development could:

1. Occur in the period prior to 2022 and have an adverse impact on the agreed transport principles and mitigation measures as set out in the Statement of Common Ground between the Borough and County Councils (SUB 019).
2. Result in increased air pollution on routes into the town worsening the situation in the AQMA and possibly increasing pollution levels such that they then exceed the specified EU limit to the detriment of residents.
3. Undermine the Local Plan's aim of regenerating the town centre and making best use of available sites within the town centre and other suitable brownfield land.

## **6. POLICIES DM23 COMMUNITY FACILITIES & ID1 INFRASTRUCTURE DELIVERY**

Issue (iv) Whether Policies ID1 and DM23 are justified, effective and consistent with national policy

**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?**

CPRE Kent recognises that the Infrastructure Delivery Plan is a 'live' document which will need to be updated over time. We expressed our concerns on ID1 (4) that a 'one size fits all' approach to infrastructure planning is inappropriate and that each case/site should be dealt with on its merits and in the light of the demands/needs of the particular location; and that there may be other demands for contributions that are not included in the list.

We also have concerns that the Infrastructure Delivery Plan (SUB 011) includes many items that are un-costed. This raises concerns that the plan allocations may not be deliverable.

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The absence of the cost of providing items may make it difficult for developers to know the full cost of developing a site and could result in too high prices being paid or agreed for land resulting in an inability to meet the full infrastructure requirement.