

## **Maidstone Borough Council Local Plan (2011-2031) Examination**

**Inspector: Mr. Robert Mellor BSC DIPTRP DIPDBE DMS MRICS MRTPI**

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Mr. Tim Read,  
Head of Transportation,  
KCC Highways and Transportation  
Invicta House,  
Maidstone ME14 1XX

13th November, 2016

### **By email:**

Dear Mr. Read,

### **Session 3A Action Points 3.2**

### **REQUEST FOR CLARIFICATION OF THE POSITION OF KENT COUNTY COUNCIL IN RELATION TO MAIDSTONE TRAFFIC ISSUES.**

This letter poses several questions to the County Council in relation to:

- a) the Statement of Common Ground between the County and Borough Council's on highways and transportation matters; and
- b) housing development at Boughton Lane, Maidstone
- c) A274 Bus Priority measures

It would be helpful if the County Council could provide a written response at (or preferably before) Hearing Session 12 on 17 November 2016. If not possible, would the County Council please provide an oral response at that hearing.

### **a) HIGHWAYS AND TRANSPORTATION STATEMENT OF COMMON GROUND (SOCG)**

In its Regulation 19 representations letter dated 18 March 2016 Kent County Council submitted its corporate view on the submitted Local Plan. KCC considered that the Local Plan failed the national policy tests of soundness for a number of reasons. These included that the Borough Council's draft Integrated Transport Strategy would not provide an acceptable means of mitigating the impact of the planned growth on housing and employment and would result in a severe impact on the highway network, most notably on the A229 and A274 in south and southeast Maidstone.

The Regulation 19 representations included the statement that: '*In view of the severity of the impact of planned growth on the local highway network and in the*

*absence of any agreed strategic approach to mitigation, on 7 December 2015 the Maidstone JTB recommended that an Interim Transport Strategy (to 2022) be prepared by both Authorities based on the expected delivery of residential development in this period (i.e. 14,034 dwellings).'*

Document SUB 019 is a statement of common ground between MBC and KCC Highways & Transportation. However, in the hearings sessions there has been evident disagreement between KCC and MBC as to how that statement is to be interpreted.

The SoCG states: *'Both KCC and MBC agree the principles and mitigation for the period up to 2022.'* However there remains apparent disagreement as to what those principles and mitigation may be.

MBC considers that the SoCG provides for highways mitigation to support the development which the Local Plan proposes to take place during the period ending in 2022. The JTB referred to 14,034 dwellings which equates to all of the housing proposed in the Local Plan apart from the 3 Broad Locations and windfall development post 2022. That would include the implementation of some (but not necessarily all) development at the strategic site in South East Maidstone as well as other development in south and south east of Maidstone which would all add traffic movements to the A229 and A274.

KCC now appears to disagree with the MBC interpretation and its own Regulation 19 consultation reference to the JTB resolution. It remains unclear what if any development KCC considers that the same transport mitigation works would support.

There has been separate traffic modelling for the period up to 2022. That modelling is based on the development in the Borough of 14,034 dwellings. In practice the housing allocations would not be fully developed before 2022. The housing trajectory for the same period anticipates that less than 10,000 dwellings would be developed (Document ED 043A). This suggests that the modelling may overstate the impacts. Notably the trajectory indicates that only 285 of the 800 houses on site H1(10) Land South of Sutton Road would be delivered by 2022 whereas the modelling appears to assume that all 800 would have been built and occupied.

The SoCG includes a list of Transport Improvement Schemes which are said in the agreement to *'form the basis of the Integrated Transport Strategy'* and which *'Kent County Council and Maidstone Borough Council have agreed and prioritised for .. delivery by 2022'*.

The SoCG further states that: *'It is agreed that the principles of an Integrated Transport Strategy covering the period up to 2022 will be referred to KCC's Cabinet Member for Transport for his approval'*.

MBC has issued a revised Integrated Transport Strategy which the SoCG says has been adjusted to reflect a resolution of the Joint Transportation Board in July 2016. The Strategy covers the full plan period from 2011-2031. It refers to a planned review by 2022 but it remains unclear what are *'the principles of an Integrated Transport Strategy covering the period up to 2022'*. I have not seen any formal approval of any document by the KCC Cabinet Member in this regard.

As the SoCG states that it seeking to reflect the resolution of the Joint Transportation Board on 13 July 2016 I have referred back to the minutes of that meeting (see annex) as well as to the MBC SPS&T Committee of 13 September 2016 which has responsibility for the Local Plan.

The SPS&T committee resolution of 13 September states:

- 1. That the recommendations of the Maidstone Joint Transport Board of 13 July 2016 relating to the Maidstone Integrated Transport Strategy be approved.*
- 2. That the Integrated Transport Strategy attached to the Second Amended Agenda, dated 9 September 2016, be adopted.*
- 3. That the Walking and Cycling Strategy attached to the Second Amended Agenda, dated 9 September 2016, be adopted.'*

Neither committee resolution indicates any different amount of development from the 14,034 dwellings referred to by KCC in its Regulation 19 representations.

**Qn.1 Would Kent County Council please clarify:**

- a) Can MBC rely on the figure of 14,034 dwellings as the amount of acceptable development before 2022 as previously set out in the Maidstone JTB resolution and the KCC Regulation 19 representations and which has been the subject of modelling?**
- b) If not what does KCC consider to be the 'principles' for development in the period up to 2022 that are referred to in the SoCG?**
- c) If not 14,034 dwellings or the lower number indicated in the housing trajectory, what growth up to 2022 in South and South East Maidstone would be mitigated by the agreed highway improvements set out in the SoCG without a 'severe' impact?**
- d) Whether that conclusion relies on the outcome of the modelling of traffic growth to 2022 and if it would be different if it related instead to the lower level of housing growth anticipated in the housing trajectory?**

**b) BOUGHTON LANE**

As the County Council is aware, and as discussed at Session 5B, on 3 March 2016 the Secretary of State's dismissed an appeal concerning a development of 220 dwellings at New Line Learning, Boughton Lane which joins the A229 in south Maidstone. A principle reason was that the Secretary of State concluded that there would be a severe traffic impact that would not be successfully mitigated (*Document ORD 031 Appeal Ref. APP/U2235/A/14/2227839 - 3 March 2016*).

I understand that County Council owns part of that site. I also understand that as a highway authority the County Council had not objected to that development on traffic grounds and did not appear at the appeal Inquiry.

Following the quashing of the Secretary of State's decision on other grounds, that appeal is to be redetermined by the Secretary of State. I understand that the County Council has lodged an objection on traffic grounds which is to be taken into account in the redetermination of that appeal.

**Qn.2 Would the County Council please supply a copy of its representations both on the original planning application/appeal for the New Line Learning development of 220 dwellings and any further representations that have been made in relation to the redetermination of that appeal?**

The submitted Local Plan includes a proposed allocation for the development of 180 dwellings on the New Line Learning site (Policy H1(29)). The Policy includes a criterion requiring highway improvements at the junction of Boughton Lane and the A229. Proposed Change PC/28 would add a criterion to also require improvements at the A229/A274 Wheatsheaf junction.

The background evidence for the Local Plan includes the A229/Boughton Lane Junction Review April 2016 which was prepared for the Borough Council and which includes a new improvement scheme for that junction. That scheme was not before the Secretary of State at the time of the previous appeal. The scheme was supported by the MBC SPS&T committee on 6 July 2016 and was reported to the Joint Transportation Board on 13 July 2016. The County Council is also investigating improvements to the A229/A274 junction.

The Regulation 19 consultation letter of 18 March 2016 from Kent County Council made extensive reference to the above appeal decision and to the Secretary of State's conclusions on traffic impact but did not explicitly state whether the County council supported or objected to the H1(29) allocation for a revised housing development on the same site. Moreover the letter expressed its support for the allocation for residential use for 25 dwellings of site H1(54) Boughton Mount, Boughton Lane, Maidstone. That site also includes land owned by the County Council. All access to the site would be taken from Boughton Lane which joins the A229 in south Maidstone.

**Qn.3 In the light of the above would Kent County Council please clarify as a corporate body whether it now supports the proposed housing allocations under policies H1(29) New Line Learning and H1(54) Boughton Mount, or whether it objects on the basis that the junction improvements would not mitigate the traffic impacts sufficiently to avoid a severe impact on the highway network?**

**c) A274 BUS PRIORITY**

The County Council's Regulation 19 representations seek the removal of any reference to bus priority measures along the A274 Sutton Road. There is also a footnote reference to a letter from the KCC Cabinet Member of Transport to the Leader of MBC dated 10 September 2014 but that is not in the evidence before me.

The National Planning Policy Framework at Section 4 that (amongst other things)

- The transport system needs to be balanced in favour of sustainable transport modes
- Local plans should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport
- Plans should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
- Plans should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes maximised
- Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

The Department of Transport document 'Manual for Streets' at Table 3 sets out a user hierarchy for the design of schemes whereby the first consideration should be given to pedestrians, followed in order by cyclists, public transport users, specialist service vehicles and (last) other motor traffic.

Policies DM 24 and DM 25 and of the submitted Borough Local Plan make reference to improving transport choice, increased bus service frequency along the radial routes into Maidstone, bus priority at junctions, and prioritisation within traffic management schemes. Paragraph 17.139 refers to bus priority measures as a means of seeking to ensure the reliability and frequency of bus services and paragraph 17.127 includes a reference to bus prioritisation measures on the A274 Sutton Road from Willington Street to the Wheatsheaf junction.

There is also a Quality Bus Partnership in place to which KCC, MBC and the Arriva bus company are signatories.

Both the current KCC Local Transport Plan 3 and the emerging Local transport Plan 4 would appear to support improvements to bus infrastructure.

The JTB resolution seeks a 10 minute bus frequency on radial routes such as Sutton Road but does not appear to include any measures to assist buses in maintaining a regular service during periods of congestion.

The A274 Corridor Study (April 2016) included suggested bus priority measures on the A274 Sutton Road which would maintain 2 lanes for other traffic as at present. It also referred to suggested measures on the A229 north of the Wheatsheaf but there is no specific reference in the submitted Plan to bus priority on that section of the A229 where it would appear necessary to reduce the number of running lanes for other traffic.

In 2014, planning permission was granted by MBC for 3 housing developments adjacent to the A274 in South East Maidstone. Two of these developments are North of Sutton Road and the third is at Langley Park to the south of that road. They

correspond to allocations H1(5) and H1(6) in the submitted Borough Local Plan and all are now under construction.

The same sites were also previously allocated for development by saved policies H3 and H8 in the current Local Plan that was adopted in 2000. Saved Policy T2 refers to the development by MBC and KCC of preference measures to aid bus access on the bus and hackney carriage corridors (including Sutton Road) which may include dedicated bus lanes, priority to buses at junctions and prioritisation within traffic management schemes.

The 3 planning permissions were subject to S106 planning obligations which provide for substantial financial payments to the County Council to fund a bus lane and junction improvements on the A274 Sutton Road [Document ED 043 (C)]. These obligations would have been a material consideration when planning permission was granted for those developments. I understand that some of the payments have already been made to the County Council. The improvements would extend an existing bus lane (with some road widening in places within highway land) whilst maintaining 2 continuous lanes for other traffic, as at present. A bus lane would allow buses to reach the head of the queue at the traffic signals and should thereby provide bus users with a time advantage over car users during congested periods.

In summary it would appear that the provision of the extended bus lane on Sutton Road would accord with the objectives variously of national policy, the current Local Plan, the current and emerging Local Transport Plans, the Quality Bus Partnership, the MBC Integrated Transport Strategy and the submitted Borough Local Plan.

I am not aware that there has been any modelling by KCC of traffic conditions with a bus lane in Sutton Road to compare with the situation without a bus lane.

**Qn.4 Would KCC please provide a copy of the letter of 10 September 2014?**

**Qn.5 Would KCC please advise on the evidential basis for concluding that a bus lane on Sutton Road would disadvantage other road users?**

**Qn.6 If there is such evidence would a priority to other road users over public transport users in an urban area conflict with above Government Policy in the NPPF and the Manual for Streets user hierarchy?**

**Qn.7 What does KCC intend to do with the funds which have been or will be paid to KCC to implement these measures?**

Yours sincerely,

**Robert Mellor**

Robert Mellor  
Inspector  
Maidstone Local Plan (2011-2031) Examination

Enc: Annex - Resolution of the Joint Transport Board July 2016

c.c. Mr. Rob Jarman, Ms. Cheryl Parks, MBC

## **Annex**

### **Resolution of the Joint Transportation Board – July 2016**

*'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.'*

Paragraphs 2.4 and 2.5 read:

*'2.4 Since the JTB meeting on 7th December 2015, the Borough Council's Strategic Planning, Sustainability and Transport (SPS&T) Committee, on 13th 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):*

- o A20/M20 Junction 5*
- o A229/A274 Wheatsheaf*
- o A20/Willington Street*
- o A274/Willington Street and A274/Wallis Avenue*
- o A20/Hermitage Lane*
- o A20/Coldharbour Lane*
- o A249 Bearsted Road and Bearsted Road/New Cut*
- o A26/Fountain Lane*
- o 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 Gyratory 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:*

*o 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:*

*o Kent County Council has begun work to establish the justification for and delivery of such a project;*

*o 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*

*o 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.*