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**TO BE CIRCULATED TO ALL SPST  
COMMITTEE MEMBERS**

**Growth, Environment  
& Transport**

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23<sup>rd</sup> July 2015

Dear Alison,

**Re: Maidstone Borough Council Local Plan**

Following the Joint Transportation Board last night, I write to set out the County Council's position concerning the re-consideration of sites previously excluded from the Local Plan by your SPST Committee. Please ensure this letter is read out and considered at their meeting tonight.

As some Members may be aware, the JTB unanimously agreed upon the principles to be taken forward in the development of the integrated transport strategy. It also recommended (to your SPST Committee) that further work be undertaken on cost, feasibility and sustainability so that an affordable package of measures can be prioritised within the available funding. In view of this, I must make it clear that **to allocate any further sites in the Borough at this point before this work is complete would be premature**. This work may identify constraints and opportunities which the Plan will need to consider to be found sound. The most acute example of this can be seen in south and south-east Maidstone where there is now compelling evidence to demonstrate that the area is constrained by lack of highway capacity. A potential solution may well be available through the provision of a link road around Leeds and Langley, but further work is required and provision remains uncertain. Identifying further growth in this area whilst this is the case is therefore premature, and it may prove necessary to revisit it at the Local Plan Review stage when alternative, better, smaller sites near the link road may well be identified as preferable locations.

In view of the above, the **County Council as Local Highway Authority strongly objects to the allocation of any further housing sites at this point, as to do so would cause an unacceptably severe impact on the public highway without there being sufficient certainty that mitigation can be provided and most importantly funded**. This position is consistent with our response to the Local Plan in March 2014.

From a planning perspective, Members of the Committee are no doubt fully aware of the relevant paragraph (47) from the National Planning Policy Framework. This states that local planning authorities should ensure that their Local Plan meets the full objectively assessed need for housing. However, the same paragraph makes it explicitly clear that this should only be done as far as it is consistent with the policies set out in the Framework which includes policies relating to transport (paragraphs 29-41). **There is no basis in law or policy to simply use the identified need as a housing requirement.** The policies in the Framework must be considered as a whole and proper planning constraints, i.e. the capacity of the local highway network, must be applied to any assessment of housing need. The Framework is clear that where the cumulative impacts of development are severe, further development should be prevented and refused (paragraph 32). The evidence base in this regard remains incomplete subject to the further work identified by Members of the JTB and therefore the recommendations made to this Committee are wholly premature.

Notwithstanding all of the above, KCC fully recognises the urgent requirement to progress the Local Plan and is keen to assist the Borough Council in developing a sound understanding of the infrastructure required to support growth, the mechanisms for delivery and identifying where funding gaps exist. Work will be undertaken in partnership at pace to establish the viability of the transport package and need take no longer than 12 weeks.

If you require further information or clarification on any matter then please do not hesitate to contact me.

Yours sincerely,



**Barbara Cooper**

Corporate Director – Growth, Environment and Transport

Cc. Mr. R Jarman, Head of Planning and Development, Maidstone Borough Council  
All SPST Committee Members