

Maidstone Borough Council
Strategic Planning, Sustainability and
Transport Committee meeting
18 August 2015

Urgent Update 2

Letter from Barbara Cooper, KCC dated
13 August 2015 –plus enclosures:

- **Letter dated 21 July 2015 from the Secretary of State to the Chief Executive of the Planning Inspectorate**
- **Letter date 14 July 2014 from Barbara Cooper, KCC to the Leader of MBC, Councillor Mrs Wilson**
- **Maidstone Local Plan Option Testing: Do Something 3 Sensitivity Tests – Summary Technical Note, dated 11 August 2015**



Mrs. A Broom
Chief Executive
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BY EMAIL ONLY

**Growth, Environment
& Transport**

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13 August 2015

Our reference: GT/BC/JAC

Dear Alison

**Re: Maidstone Borough Council Strategic Planning, Sustainability and
Transportation Committee 18 August 2015**

I refer to the above meeting of the Strategic Planning, Sustainability and Transportation (SPST) Committee and wish to raise a number of issues for the Committee to consider. I request that this letter is circulated to all Members of the Committee prior to the meeting.

1. Recent Government announcements

I note that during the last SPST Committee meeting (23 July 2015) reference was made to the Written Statement made by the Minister of State for Housing and Planning (dated 21 July 2015). In particular reference was made to the likelihood of direct Government intervention in plan making where a local planning authority has not produced a Local Plan by "early 2017".

For the sake of completeness, Members should be made aware that this Written Statement also referred to a letter from the Secretary of State to the Chief Executive of the Planning Inspectorate (also dated 21 July 2015). In the interests of brevity I attach a copy to this letter but I would, at this point, like to draw Member's attention to the following:

"In order to maintain plan-making progress and to recognise the cost and time to a council prior to submitting a plan, it is critical that inspectors approach examination from the perspective of working pragmatically with councils towards achieving a sound Local Plan."

Evidence of "working pragmatically" is already apparent from the current examination of the Swale Borough Local Plan. As a neighbouring authority of Maidstone, I note that during the last SPST Committee meeting reference was made to the examination. For the avoidance of doubt Members should be aware that the appointed Inspector has not asked the Borough Council to withdraw the Local Plan. In taking a pragmatic approach, the Inspector has asked the Borough Council to undertake further assessments in relation to housing need and housing land supply following initial concerns raised. The hearing sessions were originally scheduled for September 2015 and have since been rescheduled to November 2015 – a relatively minor delay of less than three months in terms of the overall programme.

2. Local Highway network

It is clear from the July 2015 meetings of both the SPST Committee and the Joint Transportation Board (JTB) that the capacity of the local highway network to accommodate a level of housing growth aligned directly with the objectively assessed need for housing remains a major concern for Members of all parties as well as the businesses and residents within the Maidstone Borough.

I note that during the last SPST Committee meeting a number of comments were made regarding the position of Kent County Council (KCC) – as Local Highway Authority – on planning applications in the Maidstone Borough, particularly on sites in the south east of Maidstone.

The National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. Paragraph 32 of the Framework states that plans and decisions 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;*
- *safe and suitable access to the site can be achieved for all people;*
- *and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. **Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.**"*

This effectively prevents the County Council from objecting to planning applications unless there is clear and robust evidence to demonstrate a severe cumulative impact on the highway network. Such evidence has only recently become available following completion of the traffic modelling work undertaken by consultants Amey on behalf of both authorities in support of the Local Plan.

The modelling has identified how conditions on the highway network would be adversely affected by the cumulative impact of traffic associated with planned new development. In particular, routes within south east Maidstone, including the A229 and A274, have been shown to be highly susceptible to worsening levels of congestion.

This has been further evidenced through sensitivity testing to identify how an additional 2,250 houses in part of the town could influence network conditions under the DS3 scenario (thereby achieving an overall total of 18,500 houses that is comparable to the other modelling scenarios). These tests, which are presented in full in the note attached to this letter, identify how this change has a substantial bearing on the overall performance of the network as travel times would increase by a further 12% in the peak period. At the local level delays at the A229/A274 Wheatsheaf junction would be increased by a further 83%, although this increase could be reduced to 28% by the provision of a Leeds-Langley relief road.

The findings underline the importance of a deliverable transport strategy as a means of mitigating this impact.

Accordingly, the County Council – as Local Highway Authority – **strongly objects** to any further major development allocations (or speculative planning applications) on the southern approaches to Maidstone Town Centre (i.e. A229/ A274). This is on the basis that the cumulative impact of recently completed (or consented) development would have an unacceptably severe impact on the local highway network, without there being sufficient certainty that mitigation can be provided and, most importantly, funded. Any further development would therefore be wholly detrimental to local residents, the travelling public and the ability of Maidstone's economy to function effectively.

3. Leeds-Langley relief road

Members of the SPST Committee and the JTB are likely to be aware of the emerging proposals for a Leeds-Langley relief road. The principle of this scheme is well established via the policy (T18) in the adopted Maidstone Borough-Wide Local Plan 2000. The preamble to the policy states at paragraph 6.99, “... *the achievement of which the Borough Council rates as a high priority*”.

I set out the position of KCC on the relief road in a letter to the Chairman and Leader of the Council, Fran Wilson, dated 14 July 2015. In the interests of brevity I attach a copy to this letter but I would like to summarise the position for Members of the SPST Committee.

Clearly circumstances have changed since the adoption of the existing Local Plan for the Maidstone Borough. However the County Council strongly considers the delivery of a Leeds-Langley relief road to be a critical strategic infrastructure project for the plan period to 2031. It will deliver tangible benefits to the local highway network which has been demonstrated in the outputs of the transport modelling completed by consultants Amey who have briefed Officers and Members of both Authorities.

KCC, in partnership with Officers and Members of the Borough Council, would therefore like to prepare an appropriately worded policy which identifies an area on the Policies Map within which a route for a Leeds-Langley relief road and necessary enabling residential development is safeguarded. The precise route and development sites could be determined and allocated via a future Local Plan Review, the timing of which can be agreed but with an appropriate caveat that if need dictates, this date is brought forward. The County Council recognises that this

is an environmentally sensitive area and detailed mitigation issues can be comprehensively addressed as part of this process including the provision of significant strategic public open space and prevention of urban sprawl and settlement coalescence in this area of Maidstone.

The aforementioned letter from the Secretary of State to the Chief Executive of the Planning Inspectorate positively refers to the role of a review mechanism in Local Plans:

*"As inevitably a plan cannot exactly account for future circumstances there is a real value in getting a Local Plan in place at the soonest opportunity, even if it has some shortcomings which are not critical to the whole plan. We have acknowledged this in planning guidance by setting out **that Local Plans may be found sound conditional upon a review in whole or in part within five years of adoption.**"*

There are a number of Local Plans (i.e. Cherwell, North Warwickshire and Winchester) which have already been found sound by the Planning Inspectorate on the basis that there is an appropriate mechanism for a future early review. The Maidstone Borough Local Plan 2014 (Regulation 18) already includes a commitment to a review by 2021 (paragraph 1.3).

KCC realises that the preparation of such a policy will cause some concern regarding the timeliness of Local Plan preparation. However the County Council is willing to commit resources as necessary to develop a sound policy basis for the Leeds-Langley relief road within the emerging Local Plan.

4. Housing land supply

Prior to the last meeting of the SPST Committee an Urgent Update Report (dated 23 July 2015) was published which set out a breakdown of the housing land supply. Clearly the position has since changed following the latest decisions made by the Committee and it would therefore be helpful if the Borough Council could publish a detailed breakdown of the latest figures as soon as practicably possible.

I note that during the last SPST Committee meeting there was some concern expressed that the windfall allowance (114 dwellings per annum x 9 years) may have been calculated and applied conservatively to the housing trajectory. The County Council notes the view of the Borough Council that the rate of 'small' windfall site completions is expected to continue (i.e. at a rate of 45 dwellings per annum). However KCC does express its concern that a discount rate of 50% has been applied to 'large' windfall sites without robust justification.

The justification provided in the Urgent Update Report is contradictory. The Borough Council's analysis of past completion rates has discounted large sites previously identified as part of the plan making process, i.e. those included in the Strategic Housing Land Availability Assessment (SHLAA). Any sites allocated in the Local Plan would have been identified in the SHLAA and therefore already discounted against any windfall allowance and so the Borough Council's assertion that there will be fewer large windfall sites due to Local Plan site allocations is not realistic and appears overly conservative.

KCC has not seen any evidence to suggest that there will be any material reduction in the availability of large windfall sites across the Maidstone Borough in the plan period and strongly urges the Borough Council to reassess this aspect of the windfall allowance.

5. Water and sewerage

I note that during a previous SPST Committee meeting (14 July 2015) reference was made to the emerging Water Supply and Drainage Infrastructure Study which the County Council has commissioned consultants Amey to undertake for the Maidstone Borough. The Study follows the previous appraisal (January 2014) by Amey of the Halcrow Water Cycle Study 2010 and remains incomplete as technical information requested from Southern Water has yet to be provided and is now overdue despite repeated chasing.

KCC acknowledges the views of both Southern Water and South East Water as statutory undertakers but regard must also be had to the concerns expressed by Members and the general public in terms of the capacity of the existing water and sewerage infrastructure to accommodate the level of growth proposed in the emerging Local Plan.

The County Council seeks full reassurance from the Borough Council that the technical solutions required to address the known limitations of the existing water and sewerage infrastructure have been identified and the impact on the viability and deliverability of the Local Plan has been robustly assessed.

6. Woodcut Farm, M20 Junction 8

I note that land at Woodcut Farm is now recommended as an employment land allocation under Policy EMP 1 of the emerging Local Plan.

KCC has consistently objected to major commercial development at M20 Junction 8 and therefore **strongly objects** to this recommendation. The Planning Inspector who recently dismissed the appeal proposals for major commercial development at Waterside Park clearly recognised the significant environmental harm that the proposals would cause, particularly on the setting of the Kent Downs Area of Outstanding Natural Beauty.

The NPPF plainly states (paragraph 14) that in plan making, Local Plans should meet objectively assessed needs unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The County Council recognises the need for employment land but does **not** consider that this need outweighs the demonstrable environmental harm that would be caused by major commercial development in this highly sensitive location.

I reaffirm the continued willingness of the County Council to work with the Borough Council to establish consensus on the key strategic issues articulated in this letter which remain critical in terms of the justification for the emerging Local Plan development strategy.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B. Cooper'.

Barbara Cooper

Corporate Director – Growth, Environment and Transport

Cc. Mr. R Jarman, Head of Planning and Development, Maidstone Borough Council

Encs:

1. Letter dated 21 July 2015 from the Secretary of State to the Chief Executive of the Planning Inspectorate.
2. Letter dated 14 July 2015 from Barbara Cooper, KCC, to the Chairman and Leader of Maidstone Borough Council, Fran Wilson.
3. Maidstone Local Plan Option Testing: Do Something 3 Sensitivity Tests – Summary Technical Note, dated 11 August 2015.



Department for
Communities and
Local Government

Simon Ridley
Chief Executive
The Planning Inspectorate
Temple Quay House
2 The Square
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Bristol
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Dear Simon,

Local Plans

Each local planning authority should produce a Local Plan for its area, and in doing so should proactively engage a wide section of the community so that Local Plans, as far as possible, reflect a collective vision for areas. The Government accords great importance to authorities getting up-to-date Local Plans in place and to supporting them in doing so as a priority.

We have recently seen significant positive plan-making progress: 82% of authorities have now published Local Plans and 64% adopted Plans compared with 32% and 17% in May 2010 respectively. It is imperative that this positive progress is maintained, and the Government is open to taking further measures to achieve this if needed.

As inevitably a plan cannot exactly account for future circumstances there is a real value in getting a Local Plan in place at the soonest opportunity, even if it has some shortcomings which are not critical to the whole plan. We have acknowledged this in planning guidance by setting out that Local Plans may be found sound conditional upon a review in whole or in part within five years of adoption.

The Planning Inspectorate plays an important role in examining plans impartially and publicly to ensure that they are legally compliant and sound, and many inspectors have already demonstrated commendable pragmatism and flexibility at examination to enable councils to get plans in place. I have, however, seen recent examples where councils are being advised to withdraw plans without being given the option to undertake further work to address shortcomings identified at examination.

In order to maintain plan-making progress and to recognise the cost and time to a council prior to submitting a plan, it is critical that inspectors approach examination from the perspective of working pragmatically with councils towards achieving a sound Local Plan. We will shortly make a Ministerial Statement on this issue, including the importance of inspectors

highlighting significant issues to councils very early on, and of giving councils full opportunity to address issues.

I will also clarify how early review may be used as a way of ensuring that a Local Plan is not unnecessarily delayed by seeking to resolve matters which are not critical to the plan's soundness or legal compliance as a whole. In this context I would highlight a recent note published by the Planning Advisory Service which highlights where a commitment to early review has featured in recently adopted Local Plans (http://www.pas.gov.uk/web/pas1/local-planning/-/journal_content/56/332612/7399006/ARTICLE.)

Please can you ensure that inspectors are aware of the Government's position, and that you update your procedural guidance and support to inspectors so that all Local Plan examinations take full account of this letter.

THE RT HON GREG CLARK MP



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14 July 2015

Dear Fran,

Re: Maidstone Borough Council Strategic Planning, Sustainability and Transport Committee 14 July 2015

Thank you for taking the time to meet with Officers and Members of Kent County Council (KCC) today.

I write to reaffirm the continued willingness of the County Council to work with Maidstone Borough Council (MBC) to establish consensus regarding key issues which will provide the basis for the preparation of a sound Local Plan.

It is of significant concern to KCC that the emerging Local Plan does not include any policy basis for the delivery of a Leeds-Langley relief road. The principle of this scheme is well established via the policy (T18) in the adopted Maidstone Borough-Wide Local Plan 2000. The preamble to the policy states at paragraph 6.99, "... *the achievement of which the Borough Council rates as a high priority*".

Clearly circumstances have changed since the adoption of the existing Local Plan for the Maidstone Borough. However the County Council – as Local Highway Authority – strongly considers the delivery of a Leeds-Langley relief road to be a critical strategic infrastructure project for the plan period to 2031. It will deliver tangible benefits to the local highway network which has been demonstrated in the outputs of the transport modelling completed by consultants Amey who have recently briefed Officers and Members of both Authorities.

KCC, in partnership with Officers and Members of the Borough Council, would therefore like to prepare an appropriately worded policy which identifies an area on the Policies Map within which a route for a Leeds-Langley relief road and necessary enabling residential development is safeguarded. The precise route and development sites could be determined and allocated via a future Local Plan Review, the timing of which can be agreed but with an appropriate caveat that if need dictates, this date is brought forward. The County Council recognises that this is an environmentally sensitive area and

detailed mitigation issues can be comprehensively addressed as part of this process including the provision of significant strategic public open space and prevention of urban sprawl and settlement coalescence in this area of Maidstone.

KCC realises that the preparation of such a policy will provoke some concern regarding the timeliness of Local Plan preparation. However the County Council is willing to commit resources as necessary to develop a sound policy basis for the Leeds-Langley relief road. Furthermore as you rightly acknowledged at our meeting today, MBC and KCC will need to establish general consensus on the Integrated Transport Strategy (ITS) for the Maidstone Borough. A pragmatic approach to providing a deliverable set of transport solutions must be taken by both Authorities before the County Council will be able to formally support the ITS.

Finally I must emphasise that the recommendations made to the MBC Strategic Planning, Sustainability and Transport (SPST) Committee severely prejudice the efforts of both Authorities to establish unanimity on matters of strategic importance to the sustainable development of the Maidstone Borough. I therefore trust that we can work together on the proposed approach as set out in this letter in the interest of preparing a deliverable Local Plan which can be fully endorsed by both Authorities.

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 Alison Broom, Chief Executive

Project:	Maidstone Local Plan Option Testing
Date:	11/08/15
Report By:	Originator: Margaret Nicholls Reviewed: S Whittaker Approved: S Whittaker
Reference:	CO04300370/TN01 Rev 00
Subject:	Do Something 3 Sensitivity Tests – Summary Technical Note

***It is important to note that the results of this assessment are indicative only, having been based on broad assumptions and not on a formal model run.**

2031 Do Something 3 Sensitivity Test (increased housing target of 18,500)

Previous model runs have been developed based upon alternative housing allocations and distributions with a range of different transport strategy options. The most recent modelled scenario 'Do Something 3' (DS3) includes 16,247 houses and a package of transport measures including a Leeds/Langley link road, increased bus service frequencies, and increased town centre long-term public parking costs.

The Local Plan housing target and allocations are under review and could potentially amount to approximately 18,500 new homes. Using the existing DS3 model scenario, two sensitivity tests have been carried out to provide an indicative basic assessment of the likely impact of an additional 2250 (approx.) homes in the south east of Maidstone, with and without the Leeds/Langley link road in place. It should be noted that the locations of the additional homes have had to be assumed for the purposes of this assessment, although they have been predominantly placed along the A229 and A274 corridors.

The assessment indicates that the increased housing target would be expected to generate approximately 1250 additional vehicle movements in a typical weekday AM peak. This additional vehicle demand would represent an increase of approximately 12% over 2014 levels and 3% more than the previous DS3 scenario, as shown in the table below.

Table 1: Total Vehicle Trips

AM Peak (vehicles)	2014	2031 DS1	2031 DS2	2031 DS3	2031 DS3 Sensitivity Tests
Vehicle Trips	35500	41600	37700	38600	39800
% diff from 2014		+17%	+6%	+9%	+12%

The impact of the additional vehicles would be expected to increase the overall network travel time by some 7% (630 vehicle hours) in the AM peak compared with DS3. Without the Leeds / Langley link in place the network travel time would increase by around 12% (1020 vehicle hours).

Table 2: Total Network Travel Time

AM Peak (total travel time)	2014	2031 DS1	2031 DS2	2031 DS3	2031 DS3 Sensitivity Tests	
					With LL link	Without LL link
Vehicle Hours	8300	10800	8500	8800	9500	9800
% diff from 2014		+30%	+3%	+7%	+14%	+19%

The additional housing in the vicinity of the A274 and A229 for the sensitivity test has the effect of increasing traffic movements on the A274, A229, B2163 and Willington Street. Two way traffic flows on the A274 would increase by around 140 vehicles (+14%) and on the B2163 Heath Road by around 100 vehicles (+21%) in the AM peak compared to DS3.

Without the Leeds / Langley link in place two way flows on Willington Street would increase by around 260 vehicles per hour (+29%). Flows on the A274, A229 and B2163 would increase by 17%, 13% and 27% respectively, compared to DS3.

Table 3: Two Way Link Flows

AM Peak (2 way vehicles)	2014	2031 DS1	2031 DS2	2031 DS3	2031 DS3 Sensitivity Tests	
					With LL link	Without LL link
A274 Sutton Road	1100	2000	1300	1200	1350	1400
% diff from 2014		87%	22%	15%	29%	33%
A229 Loose Rd	1700	2200	2000	2000	2100	2200
% diff from 2014		31%	17%	18%	24%	30%
B2163 Heath Rd	500	760	750	700	800	820
% diff from 2014		48%	44%	33%	54%	60%
Willington St	900	1000	1000	1000	1100	1200
% diff from 2014		12%	11%	8%	17%	37%

The A229 and A274 routes converge at the Wheatsheaf junction, where the total traffic inflow in 2014 was approximately 2900 vehicles in the AM peak hour. With the Leeds /Langley link in place, the DS3 Sensitivity Test indicates a 2% increase in traffic through the junction compared with DS3, with the effect of increasing delay through the junction by an extra 28%.

Without the Leeds/Langley link in place, the traffic through the junction would increase by a further 11% (to 3500 vehicle per hour). The increase in delay would be of the order of 83% more than that for the DS3 scenario.

Table 4: Wheatsheaf Junction Operation

AM Peak	2014	2031 DS1	2031 DS2	2031 DS3	2031 DS3 Sensitivity Tests	
					With LL link	Without LL link
Total inflow	2900	3500	3200	3200	3300	3500
% diff from 2014		22%	13%	12%	14%	23%
Delay (veh hours)	59	114	89	83	100	132
% diff from 2014		93%	51%	41%	69%	124%

Summary

The additional 2250 houses included in the sensitivity tests are represented by an increase of 1250 trips on the network during the AM peak, 3% more than for DS3.

The impact of the additional trips on the network is reflected by an increase in total network travel time of 7% (with Leeds/Langley link road) and 12% (without Leeds/Langley link road) compared with DS3.

The surrounding links most affected by the additional trips on the network are the A274, A229, B2163 and Willington Street. In particular, the A274 would observe an increase in two-way traffic flows of 14% (with Leeds/Langley link road) and 18% (without Leeds/Langley link road) compared with DS3. Willington Street would also observe significant increases in traffic flows of 9% (with Leeds/Langley link road) and 29% (without Leeds/Langley link road).

At the critical Wheatsheaf junction, which currently suffers from severe congestion, the sensitivity test indicates that the junction would observe an increase in delay in the AM peak of 28% (with Leeds/Langley link road) and 83% (without Leeds/Langley link road) compared with the DS3 scenario.

