



Maidstone Borough Planning Committee

Date: 7 September 2017

Dear Members,

A274 HIGHWAYS MITIGATION

At the MBC Planning Committee on 17th August 2017, three Planning applications on the A274 Sutton Road were considered (an outline application by Countryside Properties and both an outline and detailed applications by Bellway). The Planning Committee decided to defer making any decision on all three applications and resolved that "consideration of this application (applying to all three) be deferred to seek an urgent meeting with KCC Highways to resolve the outstanding highways issues".

Kent County Council has objected to all of these three applications, principally on the grounds that the development would lead to severe congestion along the A274 and beyond and that mitigation along the A274 would be unlikely to change this. In particular KCC vehemently object to the provision of bus lanes on the A274. KCC also objected to these applications which are also Local Plan housing allocations (H1(10) and H1(7)) at the Examination in Public of the Maidstone Local Plan. However, both Planning Committee and the Local Plan Inspector found the sites to be acceptable subject to the mitigation specified in the Local Plan policy criteria despite KCC objections.

KCC wish to explore whether the objective of traffic mitigation for the A274 Sutton Road could be better achieved by an alternative strategic scheme, and so desire a window of opportunity to explore this possibility more fully.

To this end, senior officers from both authorities have agreed to recommend to the Planning Committee the following "cascade clause" to be added to the draft S106 agreements;

"7.4 Subject to paragraph 7.5, prior to the commencement of MBC's Local Plan Review Hearings, or April 2021 if MBC considers (acting reasonably and in consultation with KCC and the Joint Transport Board) that the Highways mitigation (or any part of either or all) could not be delivered so as to relieve to a material extent congestion along the A274 arising from the Development and there are one or more identified, designed and costed strategic mitigation schemes that better relieve the congestion and bring significant traffic improvements to the

A274 corridor then MBC may instead require the use of the Highways Contributions (or any part of either or all) towards the , feasibility, design (design and feasibility subject to a maximum of £200k, excluding works to Junction 7 of the M20) ¹and construction costs of the alternative strategic mitigation scheme(s). In any event financial contributions for highways mitigation will be collected by MBC and subsequently transferred to KCC to allow implementation.

7.5 The use of the Highways Contributions for one or more alternative strategic mitigation schemes under paragraph 7.4 shall only be sought by MBC if MBC considers (acting reasonably and in consultation with KCC and following consideration by the Maidstone Joint Transport Board) that:

- (a) the decision to re-allocate has taken place prior to the commencement of the Local Plan Review Examination [to be defined with reference to a 2021 date]; and
- (b) it is satisfied that the decision to re-allocate is in accordance with the tests at Regulation 122(2)(a)-(c) and otherwise complies with the requirements of Regulation 123 in each case of the Community Infrastructure Levy Regulations 2010 (as amended)."

In addition the following wording or equivalent will be incorporated into the relevant S106s:

"The monies for public transport will be transferred to KCC for distribution to the appropriate bus companies"

It is agreed that KCC to be party to all S106 agreements providing a timely deadline for the resolution of those agreements is set.

Therefore, Officers from both authorities are able to advise Councillors that they should feel content that congestion along the A274 should be relieved by local improvements along the A274 unless it can be proved that these works cannot be delivered and/or would not achieve this purpose and if such a situation arises then there is a window within which an alternative strategic intervention by KCC can be circulated and considered.

To conclude, Planning Committee Members should feel assured that both authorities are working collaboratively on all Highways matters, and that the positive progress made to date will be built upon at a forthcoming workshop to be attended by senior officers at both authorities, which is to be externally facilitated, with the output to be a signed protocol as to how the authorities will work together on the drafting of future S106 agreements for forthcoming Local Plan allocated sites.

Yours sincerely



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