

MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION

<http://www.maidstone.gov.uk/residents/planning/local-plan/examination>

SESSION 12 – TRANSPORT AND INFRASTRUCTURE

Hearing Statements: Please refer to the *Inspector's Procedural Guidance Notes for information on the provision of hearing statements.*

Deadline: One electronic copy in pdf format and three hard copies to be sent to the PO by 6.00pm on 20th October.

Inspector's Agenda with Matters, Issues, and Questions

1. INTRODUCTION

- 1.1. At the date of writing the transport evidence remains incomplete due to on-going modelling. The results of that modelling are due to be explained at a Transport Seminar in Session 3A on the morning of 6 October 2016. The background to this work is explained in correspondence between the Inspector and Maidstone Borough Council (MBC) which has been published on the website (ED002 and ED003).
- 1.2. Depending upon the results of that work it is possible that a supplementary agenda may need to be issued for this session after that date.

2. M20 JUNCTIONS

Issue (i) Whether the Local Plan is consistent with national policy for the avoidance of severe traffic impacts on the strategic road network resulting from development and is it supported by proportionate evidence

- 2.1. **R19199 Highways England** is responsible for the strategic road network including the M20. The representation includes firstly an objection to the Local Plan on the basis that the full cumulative transport impacts of the Local Plan may have been underestimated because of concentration on the impacts of individual development allocations rather than their cumulative impacts. This is one reason why additional modelling work is being undertaken to include consideration of cumulative impacts on the strategic road network. On a similar point, whilst supporting the principles of the draft Integrated Transport Strategy submitted with the Local Plan, Highways

England also sought evidence that the full impacts of those development that have not yet received planning permission has been assessed.

Qn12.1 Is Highways England now satisfied in respect of the cumulative impact on the M20 of development proposed in the Local Plan?

Qn12.2 Is there a statement of common ground between Highways England and MBC?

Qn12.3 If not, what additional evidence or modifications to the Plan would Highway England wish to see?

2.2. R19199 also includes an objection to Policy DM24 which seeks :

- an additional point – '*Scope for mitigating the impact of the development on the local and Strategic Road Network*'; and
- a reference to show how infrastructure may be funded and delivered.

2.3. In Document SUB 010 MBC has proposed a change (PC/55) to add additional wording to the effect that MBC will '*support schemes for mitigating the impact of development where appropriate on the local and strategic Road Network.*'

Qn12.4 Does the proposed change satisfy the first part of the objection?

Qn12.5 Would a cross reference to the Infrastructure Delivery Plan (Document SUB 011) satisfy the second part of the objection?

2.4. R19240 Swale Borough Council (SBC) expresses concern at the proposed concentration of development at Newnham Court adjacent to M20 Jct 7 at the southern end of the A249 corridor which already experiences severe congestion southbound at peak times. SNC queries whether the development is deliverable within the timescales [See Session 9].

2.5. SBC also considers the Local Plan and Integrated Transport strategy needs updating with reference to junctions improvements to M2 Junction 5 that are expected to commence in 2019-2020.

2.6. R19234 Detling PC considers that the A249 north of Maidstone is not of sufficient standard to cope with additional traffic.

Qn12.6 Would SBC clarify what updating is needed?

Qn12.7 Does Highways England have any observations regarding improvements to M2 Junction 5?

Qn12.8 Has the impact of Local Plan development on the A249 north of Maidstone been taken into account by MBC and other relevant authorities?

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

Issue (ii) Whether Policy DM24 is supported by proportionate evidence to demonstrate that it is consistent with national policy for the avoidance of severe traffic impacts on the local road network resulting from development proposed in the Plan

- 3.1. R19570 Kent County Council (KCC) as the local highway and transportation authority considers Policy DM24 to be unsound because it is not justified by proportionate evidence and is not consistent with national policy.
- 3.2. A draft Integrated Transport strategy was submitted with the Local Plan to support the Plan and particularly Policy DM24. Whilst there has been joint working between the Council through a Joint Transportation Board, KCC has not agreed the draft Integrated Transport Strategy or its package of highway improvements. KCC considers that they do not provide an acceptable means of mitigating the planned growth in housing and employment and will result in a severe impact on parts of the highway network, notably on the A229 and A274 in south and south east Maidstone.
- 3.3. KCC points to a recent appeal decision by the Secretary of State concerning the traffic implications of a development for 220 dwellings on Land at Boughton Lane, Loose (Ref APP/U2235/A/14/2227839). That site remains allocated in an amended form as a proposed allocation [H1(54)].
- 3.4. An apparent key difference between the Councils is that MBC consider that the traffic impacts of development in south and east Maidstone can be mitigated by improvements to existing roads and junctions and by the introduction of priority measures for buses to encourage modal shift from cars to public transport. KCC disagrees and is seeking the restraint of development pending progress towards a potential Leeds-Langley Relief Road with a view to its inclusion in a first review of the Local Plan 'by' 2022.

- 3.5. KCC points to inconsistencies in the Local Plan text concerning the date for that first review at paragraph 21.3 and paragraph 1.3. In response MBC has proposed a change such that the text would consistently refer to the review commencing by 2022 (PC/59).
- 3.6. KCC has also objected to a number of planning applications on sites proposed for allocation in the Local Plan which have nevertheless been permitted by MBC or subject to resolutions to permit.
- 3.7. MBC has issued a Transport Topic Paper as Document SUB 006. Section describes current transport issues. Section 3 addresses the impacts of development and mitigation measures and describes the modelling that has been undertaken. Section 4 refers to mitigation proposed in the submitted Local Plan and the Infrastructure Delivery Plan. It also refers to the current KCC Local Transport Plan 2011-2016 with its reference to bus priority measures and its conclusion that a relief road was unlikely to be pursued at a time when a dispersed development strategy was being proposed. The current Local Plan 2000 is also described as supporting bus priority measures on key corridors in Maidstone. The KCC Local Transport Plan is due to be replaced within a few months. The Paper concludes that the Local Plan is aligned with current local and national policy and can meet the objectively assessed development needs without severe residual transport impacts.
- 3.8. KCC and MBC and their Joint Transportation Board are continuing to discuss the issues and have commissioned further modelling work. MBC is seeking that the 2 authorities agree common ground and adopt and Integrate d Transport Strategy and a separate waling and cycling strategy before the hearings commence.

Qn12.9 Is there a statement of common ground between KCC and MBC?

Qn12.10 Would KCC and MBC please provide an update of their respective positions in the light of the results?

Qn12.11 What is the likely first date by which any Leeds-Langley Relief road could become operational and if a route (and funding) were agreed such that it could be included in the first Local Plan Review, could it realistically be implemented before the end of the Local Plan period ?

Qn12.12 How might such a road be funded?

Qn12.13 In the interim, and before a route or funding has been identified for any relief road, should mitigation works be carried out on the existing network to address the impact of development that has already been committed?

3.9. Many Representors rely on the KCC position in their representations and similarly conclude that the amount of development proposed in South and East Maidstone will result in a severe congestion impact which would also harm the local economy (R1931, R1952, R1963, R1983, R19148, R19170, R19272, R19423, R19425, R19595, R19596). Other more specific concerns include the following matters:

- R19229 refers specifically to the likely increase in traffic on the B2163 through Leeds and would support a Leeds-Langley Relief road. R19276, R19278, R19148 and other representations from residents of Downswood, Otham and other villages near Maidstone also object to likely increased rat-running on narrow country lanes.
- R19232 maintains that the road system is over capacity, there is poor bus service provision in the evening, that alternative park and ride services have been reduced and there are concerns over noise and air pollution from traffic.
- R19335 also objects to the overall traffic impacts of development south of Maidstone but additionally considers that specific improvements are needed to other specified junction including Linton Crossroads and that inadequate provision has been made for safe cycle routes as part of development proposals.

- R19241 seeks additional parking provision at Bearsted Station and also improvements to the Fiveway junction in association with allocation H1(10) to facilitate traffic reaching Junction 8 of the M20.

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?

4. POLICY DM25 PUBLIC TRANSPORT

Issue (iii) Whether Policy DM25 is justified, effective and consistent with national policy

- 4.1. The National Planning Policy Framework at section 4 provides amongst other things that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel whilst recognising that different policies and measures will be required in different communities and that opportunities to maximise sustainable transport will vary. Plans should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and the location of the site to reduce the need for major transport infrastructure.
- 4.2. Policy DM25 provides for improvements to public transport including priority measures and particularly on park and ride routes and radial routes into the town centre. The supporting text at 17.139 refers to bus priority measures on the A274 Sutton Road, as does paragraph 17.127.
- 4.3. KCC seek that Policy DM25 is amended to highlight how bus priority measures could only be accepted in instances where they do not disadvantage other road users. KCC also seeks the removal of the reference to bus priority measures in Sutton Road at paragraph 17.127 on the basis that KCC has '*categorically and repeatedly stated that this is no longer supported.*' KCC has not stated that the policy is unsound.

Qn12.15 Does KCC consider the policy unsound and if so, why?

Qn12.16 Has the further evidence gathering modified the views of KCC or MBC on this matter?

Qn12.17 Is there evidence from elsewhere in Kent or from other areas as to whether bus priority measures result in a shift from cars to buses and has that been factored in to any modelling?

Qn12.18 If the intention of Policy DM25 is to balance the transport system in favour of sustainable modes why would a scheme which benefitted public transport users but may disadvantage other road users not be consistent with national policy?

Qn12.19 Do the current Local Transport Plan and the development plan currently support bus priority measures and, if so, what weight should they carry?

Qn12.20 If bus priority measures are not introduced how else can traffic impacts of already committed development be adequately mitigated in the present absence of any scheme for a new road?

5. POLICY DM26 PARK AND RIDE

Issue (iv) Whether the Local Plan is the most appropriate strategy in respect of Park and Ride provision

- 5.1. R1988 objects to the lack of past investment in Maidstone's road network, to the termination of the park and ride facility at Eclipse Park and to the abandonment of a proposed park and ride facility to the south of the town. It seeks that sites for park and ride provision are identified.
- 5.2. R19232 Joint Parishes Group objects to the recent decision of MBC to halve the Park and Ride service.
- 5.3. R19241 also object to the abandonment of the proposed park and ride site on the A249 south of the town and seeks its replacement, even if this would be north of the M20.

Qn12.21 Why has MBC reduced or abandoned park and ride schemes and would they not be needed to take full advantage of any bus priority measures?

6. POLICIES DM23 COMMUNITY FACILITIES & ID1 INFRASTRUCTURE DELIVERY

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

Policy ID1 Infrastructure Delivery

- 6.1. The National Planning Policy Framework provides amongst other things at paragraph 162 that local planning authorities should work with other authorities and providers to assess the quality and capacity of infrastructure and its ability to meet forecast demands.
- 6.2. Policy ID1 is the main Local Plan policy concerned with Infrastructure Delivery. R19570 Kent County Council has a significant role in the monitoring and delivery of community facilities including education, social services and libraries. KCC has made detailed representations concerning Policy ID1 which it considers to be unsound. In response MBC has proposed a number of changes to the policy.
- In document SUB 010 MBC has proposed amended wording for Criterion 2 to clarify that S106 planning obligations can only be used where they meet strict legal tests **(PC/57)**.
 - ID1 includes at Criterion 4 a list of priorities for infrastructure delivery in cases where there are competing demands. Paragraph 20.7 includes the same lists. MBC officers proposed a change that **would have deleted** delete both lists due to a lack of supporting evidence. **However officers have pointed out that this change was not agreed by the Strategic Planning, Sustainability & Transportation Committee at its meeting on Monday 18 April 2016 and therefore was not included in Document SUB 010. The Minutes record that the necessary supporting evidence would be gathered to place before the Inspector .**
 - MBC's proposed change PC/58 would add another criterion to proactively support infrastructure delivery and avoid inappropriate connections to the sewerage network. Document SUB 010 also proposes numerous changes to individual allocation policies relating especially to the provision of health and education facilities.

~~Qn12.22 Do the above changes resolve the concerns of KCC and others about the wording of Policy ID1?~~

Qn12.22A Can MBC now provide supporting evidence to justify the infrastructure priority lists included in Policy ID1, Criterion 4?

- 6.3. R19450 (AONB Unit) With reference to paragraphs 109 and 110 of the National Planning Policy Framework and S85 of the CROW Act 2000, the Kent Downs AONB Unit seeks the addition of a criterion to Policy ID1 relating to development within or in the setting of the AONB. This would extend a reference to open space provision in a list of priorities to include the conservation and enhancement of the natural environment. Reference is made to the maintenance of boundaries and public rights of way due to increased footfall. ~~However the proposed deletion of the priority list means that there would be no list to amend.~~

~~Qn12.23 Does the AONB Unit wish to respond to the deletion of the priority list?~~

Qn12.23A Would MBC please comment on the request of the AONB unit to add to the criteria in ID1(4)?

- 6.4. R19570 KCC makes a number of comments about the Infrastructure Delivery Plan which is not itself part of the Local Plan under examination but is part of the background evidence. MBC describes it as a living document which will change through the local plan period.
- 6.5. Many of the other representations concerning infrastructure are expressed in general terms as broad assertion that lack supporting evidence. They usually do not state why the Plan may be unsound or that any specific modifications are sought to Policy ID1 to address this. Instead they link concerns about infrastructure to a general concern about the overall scale of development proposed in the Local Plan. Examples of the general concerns may be summarised as follows:
- R193 claims that the plan does not provide proactively for the provision of significant services such as education or primary health care services.
 - R19597 states that sewage systems, telephone and internet systems, schools, doctors and hospitals are all inadequate already.
 - R19148 It is unclear that full account has been taken of ecological constraints on water supply and sewerage. Drains have ruptured and discharged into the River Len.

- R198 The plan takes no account of the extra infrastructure, wider roads and better sewage systems and other limitations in a rural area that need to be addressed to support development.
- R1983 Bearsted cannot even accommodate the 20 dwellings proposed by H1(31) given the difficulty that Bearsted and surrounding parishes face with schooling and health service availability.
- R19232 The Joint Parishes Group complains that the inadequacy of current infrastructure is unrecognised and especially: water supply (stressed and may require recharge of aquifers with treated effluent); sewage and waste water; public transport to medical centres; rural broadband facilities; and the lack of plans for a theatre/concert hall.
- R19423 (KALC) comments that hospital/medical facilities and school capacity are under strain
- R19595/R19596 MBC has not addressed the infrastructure issues arising from a massive increase in population.

6.6. In Document SUB 010 MBC has proposed a number of changes to individual allocation policies and other parts of the plan to refer to a need for specific infrastructure provision.

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?

6.7. R1952/R19468 (CPRE) Many items in the Infrastructure Delivery Plan have unknown costs associated with them. The actual funding needed to implement the schemes is also thus unknown and there is no certainty that S106 agreements and CIL payments will meet these costs. The plan therefore does not provide certainty that the allocations are deliverable and developable. Policy ID1 has a very limited list of priorities that does not include general social and community facilities. Neither does the plan generally make adequate provision for infrastructure. Because of this lack of potential infrastructure housing numbers should be reduced to a more acceptable level.

Qn12.25 Would MBC please respond to the concerns raised about deliverability of infrastructure in the IDP?

6.8. KCC had a number of specific objections to references in the allocation policies to the provision of education facilities, or the omission of such references. MBC has proposed a number of changes to the policies in that regard which are set out in document SUB 010.

Qn12.26 Is KCC satisfied with the proposed changes?

Policy DM23 Community Facilities

- 6.9. MBC has proposed a wording change to Policy DM23(1) as PC/52.
- 6.10. Policy DM23 includes a criterion that seeks to ensure, where appropriate, that providers of education facilities make provision for dual use of facilities in the design of new schools and will encourage the dual use of facilities for education and other policies. R19570 KCC objects to this provision on the basis that it would not be effective for reasons stated in the representation.

Qn12.27 What is MBC's response to the representation?