

Maidstone Borough Local Plan 2016 Examination

Statement of Common Ground

As agreed between

Maidstone Borough Council

and

Highways England

December 2016

Introduction

1. This statement of Common Ground has been prepared jointly between Maidstone Borough Council and Highways England.
2. This Statement sets out confirmed points of agreement between Maidstone Borough Council (MBC) (the Council) and Highways England (HE) with regard to the Maidstone Borough Local Plan 2016 (the Local Plan) and supporting evidence base, with the aim of assisting the Inspector during the Examination of the Local Plan.

Background/Purpose

3. This Statement of Common Ground relates to the representation made by Highways England (emailed letter dated 18 March 2016) to the Local Plan regarding a number of matters.

Agreed Matters

4. It is agreed that the Maidstone Strategic VISUM model is not, due to the age of the baseline data and because the M20 motorway and slip roads are not fully modelled in detail, an appropriate tool to assess the potential impact of consented and non-consented development in the Maidstone Borough Local Plan on the strategic road network.
5. It is agreed that static junction modelling of M20 junctions 5-8 to assess the full impact of consented and non-consented development in the Maidstone Borough Local Plan on the strategic road network is required.
6. The methodology and assumptions underpinning the static junction modelling as set out in the "M20 Junction Assessments" Technical Note (Mott MacDonald, September 2016) have been discussed in detail between MBC, HE, Kent County Council (KCC) and their respective consultants Mott MacDonald, Atkins and Amey. A "first principles" approach using existing turning count data and junction-specific TEMPro growth factors to reflect consented and

non-consented development within the Local Plan objectively assessed need has been proposed by MBC and its consultants Mott MacDonald and is agreed by HE and its consultants Atkins.

7. The modelling outputs demonstrate that the identified junction improvements at Junctions 6 and 8 mitigate the impacts of non-consented Local Plan development on the strategic road network to a level where congestion is lower than if non-consented Local Plan development was not built and if the mitigation was not implemented. At Junction 5, where mitigation is likely to come forward through consented development, the modelling outputs demonstrate that such mitigation results in the road network operating within its theoretical capacity and potentially congestion is lower than if non-consented Local Plan development was not built and if the mitigation was not implemented. At Junction 7, where mitigation is likely to come forward through consented development, the modelling outputs demonstrate that such mitigation results in the road network operating within its theoretical capacity when tested with non-consented Local Plan development.
8. The modelling outputs together with the findings of the merge/diverge assessments demonstrate the impact of non-consented Local Plan development can be accommodated to a level where queues, delays and safety on the strategic road network will be in some cases improved relative to the situation if non-consented Local Plan development was not built and if the mitigation was not implemented and in others remain acceptable.
9. However, Highways England notes that the improvements to Junctions 5 and 7 rely on the implementation of planning permissions that not only mitigate themselves but provide additional capacity others may rely upon. In the event that these permissions are not implemented, either at all or to the point triggering the mitigation, yet the other

developments go ahead, then not only will there be no mitigation but there will be development requiring it.

10. Consequently, Highways England will continue to work with Maidstone Borough Council and Kent County Council (who will carefully monitor the local network and the implementation of permissions) in order to:

- a) Ensure that if the mitigation permissions are implemented, the mitigation occurs in a timely fashion; or
- b) Ensure that if the mitigation permissions are not implemented (at all or to a timetable that mitigates the Local Plan as intended), then "Plan B" mitigation schemes are prepared and implemented in a timely fashion; and
- c) Ensure that Junctions 6 and 8 also continue to be monitored for the impacts of individual and cumulative background and development impacts.

11. To assist in this matter, it is agreed that Policy DM24 "Sustainable Transport" and ID1 "Infrastructure Delivery" should be amended as follows:

PC/55	<p>Amend PC/55 regarding criteria further 1 to read:</p> <p>"1. Working in partnership with Kent County Council (the local highway authority), Highways England, infrastructure providers and public transport operators, the Borough Council will manage any negotiations and agreements regarding schemes for mitigating the impact of development where appropriate on the local and Strategic Road Network and facilitate the delivery of transport improvements to support the growth proposed by the local plan. An Integrated Transport Strategy, prepared by the council and its partners, will have the aim of facilitating economic prosperity and improving accessibility across the borough and to Maldstone town centre, in order to promote the town as a regionally important transport hub."</p>
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12. This change is required to clarify that the Council will proactively manage the implementation of their Plan.

13. In order to reflect Planning Practice Guidance paragraph 107, and also overcome the constraints imposed via the use of S106 agreements and/or Community Infrastructure Levy, Policy ID1 and its supporting text need to reflect that normally S278 agreements under the Highways Act 1980 will be used to secure mitigation in connection with the Strategic Road Network. It is therefore agreed that the following amendments will be put forward:

PC/57	<p>Amend PC/57 regarding Policy ID1 (2) third sentence further to read: "Dedicated Planning Agreements (S.106 of the Town and Country Planning Act, 1990) will be used to provide a range of site specific mitigation, in accordance with the S106 tests, which will normally be provided on-site but may where appropriate be provided in an off-site location or via an in-lieu financial contribution.</p> <p>Amend further by adding a sentence at the end</p> <p>Normally S278 agreements under the Highways Act 1980 will be used to secure any necessary mitigation in connection with the Strategic Road Network.</p>
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14. And add a new PC comprising a new paragraph to the ID1 supporting text stating:

"In order to reflect National Planning Practice Guidance paragraph 107, and also overcome the constraints imposed via the use of S106 agreements and/or Community Infrastructure Levy, normally S278 agreements under the Highways Act 1980 will be used to secure any necessary mitigation in connection with the Strategic Road Network."

15. Provided that these additional amendments are made, Highways England is content to state that its objections set out in its representations dated 18 March 2016 regarding the Maidstone Local Plan have been addressed in terms of the Strategic Road Network from now until the plan is reviewed prior to 2022.

Agreement

Signed On behalf of Maidstone Borough Council		
Name & position	Signature	Date
Rob Jarman, Head of Planning & Development	<i>R. L. Jarman</i>	7 December 2016

Signed On behalf of Highways England		
Name & position	Signature	Date
Kevin Bown Spatial Planning Manager		7 December 2016