

## Comments in respect of Maidstone Borough Council's (MBC) Core Strategy Strategic Allocations Public Consultation 2012 and Integrated Transport Strategy (2012-26)

### 1. General Comments and Background

Consultations on the Maidstone draft Core Strategy (then Regulation 25, but now Reg18) took place last September and Tonbridge and Malling Borough Council (TMBC) responded (first at officer level and later endorsed and supplemented by members at Planning & Transportation Advisory Board) raising concerns, particularly in respect of the potential impact of strategic housing development near the boundary with TMBC on impacts on;

- highway and other infrastructure; air quality, particularly along the A20 and M20;
- the Strategic Gap; and
- whether developments planned in T&M had fully been taken into account (e.g. Preston Hall).

There were also concerns over the potential cumulative impacts of employment land designations at the M20 junctions and the impacts these may have on traffic flows and air quality to the west along the M20.

MBC have not formally responded to the 2,800 comments received last autumn, including those by TMBC, but MBC's Cabinet agreed in May to include strategic site allocations in the Core Strategy to provide clarification over the quantity and location of the development planned. The current consultation is focused on these sites. Responses to the current consultation will be considered alongside those from last year and any amendments made to the Core Strategy before the next full iteration of the Core Strategy is published for Reg 19 public consultations during 2013. Comments are also invited in respect of a joint Maidstone Integrated Transport Strategy (2012-26).

Planning Officers have held meetings with colleagues in MBC to respond to the new requirements of the Duty to Cooperate and the current consultation formed part of these discussions. (There is also joint liaison between TMBC Planning and Environmental Health with MBC EH and Kent County Council (KCC) highways with regard to Air Quality – of relevance to A20/m20 corridor issues).

The current consultation does not specifically respond to or even make reference to the concerns raised by TMBC last autumn. Two issues, the request for clarification of the location and size of strategic housing sites adjacent to the borough boundary and the absence of detailed highway and transport information have been partly and indirectly addressed by the publication of these two latest documents. The Council will look forward to receiving a full response to those comments and the additional points below in due course.

## 2. Core Strategy Strategic Allocations Document and ITS

Three of the proposed strategic housing allocation sites are adjacent to the boundary with T&M in the vicinity of Hermitage Lane and London Road, Aylesford. Together they represent capacity for 880 residential units. In brief these are:

Site SS1a – Bridge Nursery, adjacent to the borough boundary and the Barming/Maidstone East railway line, off London Road comprising 165 units.

Site SS1b – East of Hermitage Lane, north of Maidstone Hospital, housing allocation for 415 units with open space, access onto Hermitage Lane. This site is not adjacent to the borough boundary as the boundary runs through an orchard, half of which is in Maidstone, half in T&M. This site is also identified provisionally for the location of a new primary school to meet the needs arising.

Site SS1c – West of Hermitage Lane, to the west of the Hospital, adjacent to the borough boundary at Fullingpits Wood, allocated for 300 units. All sites are at approximately 30 dwellings per hectare, with 40% affordable (subject to viability testing).

Comment: In the earlier comments made by TMBC last autumn concerns were raised over the proposed increase in housing allocation numbers in this area from 380 (in the saved Local Plan), to an estimated 975 units in the then Core Strategy. The potential impacts of this additional development on the local highway network (particularly Hermitage Lane itself and the two junctions at either end), future access to the hospital, air quality and on the strategic gap were all noted.

The clarification of the locations and size of allocations is welcomed as is the fact that the total number of new homes coming forward on these sites is now 880 rather than 975. However this still represents a significant increase of housing in this area, and area where previously both Councils have resisted further strategic provision. Therefore, the Council's original objections from last autumn are reiterated here in respect of sites SS1a, b and c.

The allocations document acknowledges at paragraph 3.3 that improvements to the local highways network will be required to accommodate extra housing in this location and that a transport assessment will identify the scope of these improvements. Paragraph 3.5 notes that some of the network affected and improvements will be located in TMBC and that MBC will work with KCC and TMBC to ensure delivery under the duty to cooperate. Some parts of the network, for instance the Fountain junction at Hermitage Lane/A26 are outside the Borough but are key to residents of the TMBC area who use A26 as an artery though Wateringbury to Maidstone and areas east.

Comment: Again, the commitment to continued collaborative working under the duty to cooperate is welcomed and indeed this will be equally important when the T&M Local Plan is being prepared to ensure that cross boundary strategic planning issues are positively planned.

The ITS makes clear that these improvements are expected to be funded largely from developer contributions (more on this point below), which means those attached to the sites identified in SS1. However, as currently written paragraph 3.3 could be interpreted as meaning additional

funding will be forthcoming from TMBC to ‘..ensure delivery..’. This may not have been the intention, but in the absence of any future qualifying developments in the vicinity, in the TMBC area, there may be no other funding source available for these schemes and this point should be clarified in the text.

Regarding the necessary highway improvements, the ITS includes an Action Plan and prioritises five primary infrastructure improvements, one of which is relevant to these sites:

‘Action 1 (2012-15) Implement highway improvement schemes at strategic development locations in the north west and south east of Maidstone Urban Area and in the vicinity of M20 junction 7 and M20 Junction 8 to enable development at strategic site allocations.’

The ITS acknowledges that the development proposed will result in a significant increase in the number of private vehicle movements across the borough (para 7.8), which will inevitably have an impact on road junctions within the vicinity of new development. 19 improvements have been identified to address this, including, for the sites in question:

‘g) M20 Junction 5. This will include providing additional capacity on the M20 link roads to Coldharbour Roundabout; Coldharbour Roundabout itself; the 20/20 Roundabout and the Hermitage Lane/London Road junction.

h) Queens Road/St Andrews Road/Tonbridge Road/Fountain Lane junctions. This includes an opening up of the eastern end of St Andrews Road onto the Queens Road/Tonbridge Road junction. The direction of traffic between each of these junctions would be made one way in a clockwise direction.

i) Hermitage Lane in the vicinity of Barming Rail Station. This would include a new pedestrian crossing near the vehicle access to the railway station.’

Paragraph 7.9 states that these 19 projects are priority schemes to support the housing and employment growth proposed by the Core Strategy and will be primarily funded by the Community Infrastructure Levy (CIL) and developer contributions secured under S106.

The estimated costs of projects g) to i) alone are between £4.6m and £6.6m out of a total estimated cost for all 19 of the Action 1 projects of between £25.5-29.5m.

Incidentally, there are a total of 30 identified Actions in the ITS amounting to a total estimated cost of between £39.5-43.5m.

Comment: While it is reassuring to have some clarification of the scale of the investment that will be necessary to ensure these sites can be accommodated on the local highway network, this does raise significant issues over the deliverability of the improvements and therefore the overall viability of these sites.

It seems unlikely that the headroom available from the development of 880 units will generate sufficient developer contributions to fund these improvements, especially given that other forms of infrastructure are also needed, such as new primary school provision. Even with top-up funding from other sources such as new homes bonus there is likely to be a considerable shortfall. The NPPF makes clear that planning policies and developer contributions should not

make schemes undeliverable and recent announcements in respect of the Eastern Quarry proposals suggest that the Government is willing to waive contributions to enable developments to get underway (The developer's £40m contribution to highway improvements on the A2 was recently reduced to £25m, but the now estimated £78m shortfall has not been resolved to date).

The Government has also recently announced proposals to enable developers to challenge, expeditiously, S106 agreements that they feel make their schemes unviable.

CIL is a mechanism that was *never intended to meet all infrastructure needs*, but is being seen as increasingly relied upon to fill funding gaps. There will be a long list of infrastructure items to address with CIL, but the ITS implies that any CIL generated in MBC will be directed to meeting highways improvements. Notwithstanding this potential conflict, MBC do not yet have a CIL charging schedule in place, yet the improvements in Action 1 are supposed to be implemented by 2015.

It is recommended that these matters are addressed as part of the planned viability testing of the Core Strategy.

Moreover until more detailed traffic studies are completed /published it is not clear what the traffic implications directly into TMBC will be. So for instance it is not clear what traffic from the Hermitage Lane sites is anticipated to go westbound and also contribute to the current traffic problems at Wateringbury cross-roads.

#### Air Quality

Air quality is addressed briefly in the ITS at paragraphs 4.22-24 and at Action 22 (paras 7.46-48), but not mentioned at all in the allocation details. The ITS fails to adequately address the concerns raised by TMBC in the last round of consultation in respect of the potential impacts on the AQMAs in T&M and the residents along Hermitage Lane. The first reference in the ITS to air quality delegates this responsibility to MBC's Air Quality Action Plan and recognises the A26 Tonbridge Road/Fountain Lane junction as a Nitrogen Dioxide Annual Objective 'hotspot' (but not any resultant collateral impacts at Wateringbury. Action 22 only relates to the Maidstone urban area, which is a designated AQMA as whole.

Comment: Therefore, these concerns, both in respect of the problems associated with the Hermitage Lane allocations and the associated impacts of the proposed employment land allocations along the M20 on the Junction 4-5 AQMA in T&M must be reiterated .

#### **Additional Comment: Assumptions used in drafting the ITS**

The ITS has sought to take into account known developments, planned and allocated, beyond the MBC boundary, but it is not clear if the Preston Hall site has been included. Paragraphs 4.53-54 of the ITS acknowledge that there is and will continue to be a strong relationship and transport flow between MBC and TMBC. Allocated and permitted developments at Kings Hill, Leybourne Chase, Holborough Valley and Peter's Pit are noted as being included in the 2007 Core Strategy, but there is no mention of the allocation at Preston Hall. This site is identified in

TMBC's Development Land Allocations DPD (adopted April 2008) for *circa* 180 units, but a recent outline application has been received seeking about 208 units.