

**KCC 4.5**

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY KENT INTERNATIONAL GATEWAY LTD  
APPU2235/A/09/2096565/NWF**

**PROPOSED RAIL FREIGHT INTERCHANGE, WAREHOUSING AND  
ASSOCIATED DEVELOPMENT**

**APPLICATION MA/07/2092 LAND EAST OF MAIDSTONE**

**KCC HIGHWAYS**

**SUMMARY PROOF OF EVIDENCE**

**PETER ROSEVEAR**

**ON BEHALF OF KENT COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE)  
(ENGLAND) RULES 2000**

## **1.Introduction**

1.1 This Summary of my Proof of Evidence will concentrate on my recommendations regarding the KIG application to Maidstone Borough Council.

1.2 These were described in the 7<sup>th</sup> May 2009 Report to the MBC Planning Committee, and have been included in three of the Reasons for Refusal that were accepted by this Committee.

## **2. Reasons for Refusal**

2.1 The specific transport – related reasons stated in the report were:-

No 5: "The proposal will result in the provision of employment in a location where there is an insufficient supply of labour locally. This will seriously impact on local businesses and will result in considerable inward commuting to an area that is not readily serviced by public transport. This will result in increased car journeys, contrary to the advice given in PPG13, and EP2 of the Kent and Medway Structure Plan, and Policies T1, SP1, SP2, RE3, and AOSR7 of the draft South East Plan."

No 16: "The level of traffic generated by the development in addition to the projected traffic flows of future growth allocated to the Borough by the draft South East Plan would have an adverse impact on the highway network and cannot be managed or mitigated. The local authorities consider that this would threaten delivery of the draft South East Plan targets, and is therefore contrary to the guidance in PPS12 and PPS1, and Policies T1 and CC7 of the draft South East Plan."

No 18: "Insufficient information has been submitted by the Applicant to determine how the potential threat of terrorism and crime will be mitigated within the this development, and the effect the mitigation measures will have on the design of the proposal, and the ability of the Applicant to implement the permission if it were granted, and consequently the overall impact of the development, contrary to Policies SP1 and QL1 of the Kent and Medway Structure Plan 2006, PPG13, and the advice in PPS1 and Safer Places: the Planning System and Crime Prevention (2004), and S17 of the Crime and Disorder Act and Maidstone Borough-wide Local Plan Policy ENV21."

### **3. Background**

3.1 Kent County Council (KCC), as local highway authority, is consulted by the planning authority on all planning applications that have an impact on the public highway. Its role is to make comments on the applications in respect of their safety, capacity, sustainability, and compliance with national, regional, and local policies.

3.2 Where there is also an impact on the strategic road network, the local highway authority works with the Highways Agency (HA) and their consultants to try to ensure that the remits and concerns of both authorities are addressed.

3.3 In addition, Kent County Council has been working with Maidstone Borough Council (MBC) to develop a transport strategy in support of the Local Development Framework. The LDF must identify the planning strategy needed to deliver the requirements of the South East Plan.

### **4. Reason for Refusal No 5**

4.1 The background to this reason is given in Section 7 of my Proof. The principle issues are:-

a)The KIG proposal is for a very large out-of-town employment site, which is difficult to serve by public transport

b)The site will operate on a 24 hour, 3 shift system, with two of the shift changes being early in the morning and late at night . This compounds the difficulty of reaching the site by public transport.

c)The appellant has offered to provide a shuttle bus service linking the site with the town centre, but there remains the problem of catching any connecting service to residential areas at early or late times of the day.

d)I am advised by MBC that there is insufficient suitable workforce currently resident in Maidstone to take up the jobs associated with KIG. The appellant has also identified that he expects some 50% of the workforce to come from outside the Borough. This further compounds the difficulty for sustainable transport, and would increase car usage, rather than reduce the need to travel

**4.2 I therefore consider that the proposal is contrary to the Policies indicated in the reason for refusal, particularly PPG13.**

## **5. Reason for Refusal No 16**

5.1 The background to this Reason is given in Sections 3-6 of my Proof.

5.2 In principle, MBC has identified that an urban extension to the south and east of the town is critical to the delivery of the SEP housing target. This target is 11,080 new homes in the period 2006-2026. The urban extension is identified in the SEP in the text accompanying Policy AOSR7, as is the expectation that it will be supported by the South East Maidstone Strategic Link. It is shown in the MBC Core Strategy Preferred Option, published in 2007.

5.3 The Strategic Housing Land Availability Assessment has shown that there are no alternative areas in and around the town that could deliver a similar number of homes. Seeking potential sites further from the urban area would fail to comply with the SEP indicative level of 90% housing provision at Maidstone town, rather than distributed across the Borough.

5.4 The evidence from both the appellant and KHS has shown that the highway capacity in the vicinity of the site will be reached by 2017.

5.5 PPS 1 states that applications for planning permission should be determined in line with the development plan. I consider that this application should be considered to the timescale of the SEP, which is 2026, rather than solely the 10 year horizon specified in Circular 02/2007.

5.6 The work done by KHS has identified that there will be insufficient opportunity to achieve a further major capacity improvement in the area. The presence of KIG would force KHS and MBC to seek the imposition of severe demand management measures on the implementation of any new housing in the urban extension, in an attempt to control excessive congestion and protect rural lanes and minor residential roads from drivers seeking to avoid delays on the main road network. This would make the area very unattractive for both developers and potential new residents. I believe that this would threaten the delivery of the SEP housing target.

**5.7 I consider that the KIG application is therefore contrary to National Policies PPS1 and PPS12**

## **6. Reason for Refusal No. 18**

6.1 The background to this Reason is given in Section 8 of my Proof

6.2 There has been considerable discussion between the appellant's security advisors and the Police over the site layout.

6.3 The KHS concern is the safety aspects of the site access. My understanding is that most HGV drivers approaching the site will have been given a specific time slot for their arrival, and access will normally be dealt with rapidly. However, the Police have identified that there must be a protocol to deal with unacceptable vehicles, and that they must be directed to a "sterile area" to prevent their access into the main part of the site.

6.4 There is currently no such area shown on the site plans. There is therefore a risk that vehicles may be detained at the security barrier and form a queue back onto the A20, causing a road safety problem.

6.5 In addition, I would wish to see protocols established and agreed with the Police for the management of Operation Stack, and with all the Emergency Services to cover the management of incidents on the site that require their attendance.

**6.6 I am aware that discussions with the Police are continuing, but I consider that the road safety concern must be resolved. I would therefore currently wish to maintain this objection**

## 7. Summary

7.1 I object to a number of aspects of the KIG application, and consider the proposal to be unacceptable for the following reasons :-

a)The application has not taken sufficient account of the Maidstone Borough Council's Local Development Framework, and that the traffic generated by the site would threaten the delivery of the development targets set out in the South East Plan

b)The application is for a very large out of town employment site that is difficult to serve by sustainable transport. It would lead to an increased need to travel, and would also lead to inward commuting to the Borough. This is contrary to PPG13.

c)The site access, as proposed, does not comply with security advice from the Police (or the applicant's own security report). There is no agreed protocol for the management of exceptional events, such as the need for guaranteed access to all areas of the site by the emergency services, or for coordinated management with the Police for Operation Stack.

7.2 In conclusion, **I would recommend that the application should not be permitted.**