

Providing for transport needs arising from the South of Ashford Transport Study

Ashford Borough Council

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Supplementary Planning Guidance
to the Ashford Borough Local Plan **SPG6**

ASHFORD BOROUGH COUNCIL

ERRATUM TO SPG6, JUNE 2004 VERSION

P.9, Para 6.2

Unfortunately an error has occurred in the formatting of the table which immediately follows the first para of 6.2. The correct version of the table and preceding sentence is shown below:

“For example about 150 two-way trips are generated from the following quantum of different uses:”

100 homes	
5500sq.m	B1
8600 sq. m	B2
16700 sq.m	B8
1000 sq.m	A1 (food)
6500 sq.m	A1 (non-food)

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1. INTRODUCTION

1.1 This paper sets out the Council's approach to developer contributions to help meet the transport needs arising from development south of Ashford allocated in the adopted Borough Local Plan. The work is based on the research undertaken in the South of Ashford Transport Study which was commissioned by a partnership of public/private organisations ¹.

1.2 The consistent theme behind this Guidance is the Council's determination to produce an equitable solution that is fair to all parties and meets the transport needs arising in the area. A balance needs to be found between as fair an approach as possible and the need to make progress without over-complicating an already complex situation.

1.3 Policy TP19 of the Ashford Borough Local Plan requires the creation of additional capacity in the transport network to meet the needs created by new development. This Supplementary Planning Guidance provides specific guidance in respect of the how the needs of this policy should be addressed by developments that will affect the transport network south of Ashford.

1.4 This Guidance relates to off-site transport-related requirements that are not already referred to specifically within individual site policies in the Local Plan and should be regarded as being in addition to those requirements.

1.5 A draft framework for this SPG was published in March 2001 and consultation was carried out. Details of responses are contained in the associated report to the Council's Policy and Resources Committee in July 2001 and summarised in the statement of consultation appended to this SPG.

2. CONTEXT

2.1 The area south of Ashford has long been identified in both Structure and Local Plans as the main focus for the growth and expansion of Ashford. Recently, an enhanced regional role of Ashford in the South-East as a potential centre for significant new growth has been proposed in the Government's Regional Planning Guidance for the South-East (RPG9).

2.2 The adopted Ashford Borough Local Plan contains several major residential and employment allocations to the south of Ashford. Their implementation is important in enabling Ashford to fulfil its role set in the Kent Structure Plan.

2.3 The primary constraint to the release of this development is the capacity of the transport network south of Ashford, most notably at junction 10 of the M20. The junction is now nearing capacity at peak times and would be unable to accommodate the traffic generated by new development. The South of Ashford Transport Study (SATS) was commissioned to examine the options for improving the network in a way that would encourage a more sustainable modal split of trips whilst

¹ *Ashford Borough Council; Kent County Council; Government Office for the South-East; Highways Agency; East Kent Area Health Authority; Pelham Homes; The Church Commissioners; Eurotunnel Developments Ltd; BAA McArthur Glen; John Laing Property Ventures.*

enabling the release of as much of the Local Plan allocated development as possible without making the congestion that is already experienced any worse.

2.4 The SATS consultants (TPK Consulting Ltd) proposed a package of measures and policies as their recommended Transport Plan, which forms the basis for this SPG.

An infrastructure fund

2.5 The basic element of this SPG is the use of an infrastructure fund into which developers will contribute. This provides an alternative to developers being required to implement specific off-site infrastructure requirements in the area (unless otherwise specified in the respective site policies) in Section 106 Agreements. For the majority of the measures in the SATS Transport Plan, the infrastructure fund is the most appropriate method of delivery.

2.6 Therefore, with the exception of green travel plans and potentially an element of subsidy towards new bus services, Section 106 Agreements for individual sites will simply require the payment of an overall sum of money into the infrastructure fund with contributions phased in accordance with the guidelines in this SPG.

3. ASSUMPTIONS IMPLICIT IN THE SPG

3.1 Because of the nature of the variables involved, a number of assumptions have had to be made in order to establish the framework of this SPG. These have been based on the best information available at the time and are outlined below.

Site capacities

3.2 The assumptions about the capacity of allocated sites in the Borough Local Plan are likely to be inaccurate as the influence of the guidance in PPG3 results in increases in residential densities that push up the number of dwellings proposed on each site. To address this, we have revised our assumptions about the expected quantum of development from the Local Plan sites. For some sites this means that we have based our assumptions on the levels of development submitted within planning applications received by the Council by the end of March 2001. Elsewhere, we have assumed an average residential density of 40 dwellings per hectare - the mid-point in the range used in PPG3. For employment allocations, quantities referred to in the SATS technical work have been assumed unless applications have been received.

Phasing of development

3.3 Development on different sites will come forward at different times and at different rates. Estimating the pace of development on each site is difficult but necessary. In making our assumptions, we have sought to be as realistic and pragmatic as possible based on our knowledge of the local housing and commercial markets, our experience of the take-up in both markets in recent times and an assessment of any land or other infrastructure constraints.

3.4 We have made assumptions on the phasing of both committed (i.e. those with planning permission) and proposed developments in the Local Plan. These have informed our approach to the delivery of the various Transport Plan measures in the SPG and the ability to release Local Plan development.

3.5 Most of the committed developments are under construction or completed (e.g. the Designer Outlet). In our view, only two sites (Newtown Works and the Eureka Science Park) are unlikely to be built out by 2006. Over recent years, development at the Science Park has been relatively slow to come forward. Of course, this could change but we think it is reasonable to assume that only a proportion of that site will be developed by 2006. This means that fewer trips could be generated at M20 junction 10 at this time than has been predicted. In association with a trip reassignment assessment by TPK, we can be reasonably confident in assuming a traffic generation equivalent to that from about only 80% of committed development is likely by 2006.

3.6 The Council's interim urban capacity study has clarified our assumptions about the phasing of proposed Local Plan residential development. Our estimates of the likely numbers of residential completions by 2006 on the large sites south of Ashford is some 375 units fewer than anticipated in the Local Plan. For proposed commercial development, the likely take-up rate is always hard to predict, but at present rates, it is most unlikely that the whole of the Waterbrook site and the Cheeseman's Green employment allocation would be developed by 2006.

3.7 The implications of these assumptions on both committed and proposed development are that, at 2006, the amount of traffic generated would not be at the levels previously anticipated in the Local Plan but that the timescale of development will continue considerably beyond 2006. The increases in site capacities that have been assumed would eventually result in some 36% more trips being generated than envisaged in the Local Plan.

3.8 These assumptions about the scale and pace of development have been fed into the consultants' assessments of capacity at junction 10. They have concluded that the proposed J10 interim scheme (see paras. 5.20 below) would operate satisfactorily with 80% of committed development traffic and 60% of the revised quantum of development from Local Plan sites. The remainder would need to be accommodated by a new long-term improvement to access to the M20.

3.9 The SATS has also made assumptions about post Local Plan development south of Ashford. These are based on an extrapolation of current Structure Plan targets for Ashford with discounts made for brownfield and other greenfield development elsewhere. A conservative assessment of 4,700 new dwellings and no additional employment floorspace up to 2016 was made. When the revised Local Plan quantum of development is assessed against this, approximately 20% of the traffic generation to be served by a new long-term access improvement to the M20 would come from the current Local Plan allocations - thus 20% of the costs of the new improvement should be met from these sites.

4. SCOPE OF THE SPG

4.1 This SPG relates to any development on the following Local Plan sites:

S13 - Cheeseman's Green

S14 - Waterbrook

S16 - Bushy Royds

S17 - Park Farm

4.2 In addition, the SPG will also be applicable to any development within a 5 minute (off peak) isochrone centred on M20 junction 10 that would, in the opinion of the Highway Authority, either individually or cumulatively as part of a larger development on the same site, generate at least 100 two-way vehicle trips between 7a.m. and 7p.m.

4.3 The information contained within individual Transport Assessments will continue to be relevant in analysing the impact of any particular development on the network as a whole and so there may be exceptional circumstances where major developments outside the isochrone should be assessed against the SPG and vice versa.

5. THE ELEMENTS OF THE TRANSPORT PLAN

5.1 The following table lists the individual elements of the Transport Plan to which developers will be expected to contribute.

Bus services (including school buses)

5.2 Two new bus services are to be provided: -

- *Bushy Royds - Orbital Park - Waterbrook - Cheeseman's Green - Park Farm - Ashford town centre, and,*
- *Singleton - Brisley Farm - Westhawk Farm - Park Farm - Cheeseman's Green - Waterbrook - Orbital Park - Bushy Royds - South Willesborough - William Harvey Hospital.*

It is proposed that each service will operate with a 15 minute frequency between 0630-2230 hours on Mondays to Fridays and 0800-2230 hours on Saturdays and a 30 minute frequency between 1000-2000 hours on Sundays.

5.3 To achieve these frequencies, 11 buses will be needed. These shall be of easy access, low floor design and fitted with the appropriate equipment to provide real-time information and traffic signal priority.

5.4 It is estimated that the gross costs (2001 prices) of meeting these service requirements is £610,000 per annum for the town centre route and £750,000 per annum for the orbital route giving a total cost of £1.36 million per annum. These costs have been re-indexed to 2004 giving a cost of £1.5232 million per annum.

5.5 Whilst development is under construction and the new bus network is being implemented, it is appropriate for the full gross cost of the routes to be met by the infrastructure fund. Although construction rates will vary, we are satisfied that a period of 5 years is a reasonable average and thus a total of £7.616 million (5 x £1.5232m) should be sought from the infrastructure fund. In these first 5 years, any revenue generated could be ploughed back into the infrastructure fund to improve the prospects of the whole network being implemented at an earlier date and improve the likelihood of it breaking even. Because of the strategic importance of these bus routes in achieving the envisaged modal split in the SATS (and thus reducing the pressure on capacity at M20 junction 10), it will be necessary to ensure that every chance is given for the services to become established and viable in their own right. Therefore, there must be the potential for further subsidy of these services built into the Transport Plan.

5.6 Starting in year 6 (or the first after completion), there will be annual review for a period of up to 5 years which will determine the level of subsidy needed to continue the service. These contributions would only be triggered should they be required and would be based on the net costs of operating the service. If the service breaks even or is in profit, then no further payment would be necessary. Any revenue generated from the service in the first 5 years could also be used to off-set the need for any future subsidies. These costs are **not** included within the overall costs of the Transport Plan and would be considered on a site by site basis through a review of the appropriate Section 106 Agreement.

5.7 The marketing and promotion of these new services will be fundamental to their long-term success. As these are strategic services, this is best handled by a single co-ordinator to work with developers and bus operators. It is envisaged that this person would be employed by either the Borough or County Council for this purpose and so it is appropriate for these costs to be covered by the infrastructure fund. A figure of £300,000 has been included to cover these costs, based on a 5 year period of employment.

5.8 The provision of school bus services to serve the new development south of Ashford is also part of the Transport Plan. It is estimated that a dedicated school bus can cost £50,000 per annum although this cost can be reduced if the vehicle can be employed on other work outside school times. There are 5 state secondary schools in Ashford at present and the infrastructure fund should cover the provision of one school bus to each for a period of 2 years. This may help, for example, to offset some of the additional congestion at M20 junction 10 during the period of construction of the interim scheme (see para. 5.20). With indexation of these costs to 2004 prices, a total contribution of £560,000 for school bus provision is considered appropriate.

5.9 The total contribution towards new bus services, marketing and school buses that will be sought from the Transport Plan infrastructure fund is £8.476 million.

Bus infrastructure

5.10 The new bus services south of Ashford will need to be supported by the appropriate infrastructure. This should include high quality shelters with real-time timetable information. The infrastructure fund should be used to provide these facilities in off-site locations along the new routes with on site facilities planned into each development to provide a cohesive approach.

5.11 The estimated cost for the provision of this infrastructure is £224,000 (2004 prices) which will be sought from the Transport Plan infrastructure fund.

Cycleways and pedestrian links

5.12 The Local Plan already contains a proposed cycleway network for Ashford which has been implemented on a piecemeal basis through developer contributions and public sector investment. The Transport Plan contains three specific routes:-

- *From the domestic and International Stations - Newtown Road - Crowbridge Road - Orbital Park - Waterbrook*
- *From the stations southward along Romney Marsh Road, across South Willesborough Dykes to Bushy Royds, and crossing the A2070 Southern Orbital Road to provide links to Park Farm East and Cheeseman's Green*
- *From the Designer Outlet Centre southwards along the A2042 Romney Marsh Road to Park Farm*

Parts of these links will be provided as parts of the individual developments under Section 106 Agreements but the remaining off-site elements should be implemented through the Transport Plan infrastructure fund.

5.13 The estimated cost for the provision of this infrastructure is £524,000 (2004 prices) which will be sought from the Transport Plan infrastructure fund.

Green Travel Plans/reduced parking provision for employment sites

5.14 Green Travel Plans (GTPs) for employment developments and the reduced parking provision at employment sites are two of the policy measures in the Transport Plan. This approach is supported by the policy guidance in PPG13 and will be important in ensuring the modal split of trips assumed in the SATS work can be achieved. GTPs should include proposals to discourage single-occupancy car use such as a car sharing scheme, high quality public transport timetable information, incentives to use non-car modes of transport, secure cycle storage and showers. The number of parking spaces provided should be no more than 80% of the calculated car parking demand with standards based on the likely trip generating potential of specific proposals on each site. An individual GTP may seek a reduction in the amount of parking provided over time as public transport services become more established.

5.15 The details of individual GTPs will need to be devised and agreed on a site by site or occupier by occupier basis but the requirement for such Plans to be prepared and implemented will be part of the Section 106 Agreements for the Cheeseman's Green and Waterbrook sites.

Minor non-trunk road improvements

5.16 Several junction improvements at various points along the A2042 Romney Marsh Road and the A2070 Southern Orbital Road have been identified to assist in improving the flow of traffic on the non-trunk road part of the south of Ashford highway network. These improvements have been designed at: -

- *A2042/Newtown Road* - relocation of the central island and widening of the entry arms.
- *A2042/Norman Road* - minor realignment of the central island and widening of the entry arms.

- *A2042/A2070* - realignment of the central island and increased entry widths.
- *A2070/Orbital Park* - provision of large roundabouts with 15 metre entries on the key arms. (The final design of this interchange will depend on arrangements for access to the development sites on the southern side of the A2070).

5.17 All the land required to implement these improvements either lies within the control of the Highway Authority or one of the SATS partners. These improvements are not required in the early stages of development and would most probably be implemented post 2006. The exception might be the improvement to the Orbital Park/Waterbrook junction on the A2070 which will be the primary point of access to large areas of development.

5.18 The estimated cost for the provision of this infrastructure is £838,000 (2004 prices) which will be sought from the Transport Plan infrastructure fund.

M20 Junction 10 interim scheme

5.19 A series of improvements to the existing M20 junction 10 have been designed by TPK and WS Atkins to provide some additional capacity at the interchange. The delivery of the interim scheme is critical to the overall aims of the Transport Plan as it enables the release of the allocated Local Plan sites to commence.

5.20 The interim scheme consists of 4 main elements: -

- The widening of the junction approaches to the roundabout
- The creation of an additional carriageway on each of the J10 overbridges
- The creation of a new pedestrian / cyclist bridge over the M20
- Widening of Hythe Road between the London-bound slip and the J10 roundabout, including signalisation of the Hythe Road entry slip onto the London-bound M20

5.21 The method of implementing the interim scheme will be through the entering of a Section 278 Agreement (of the Highways Act 1980) with the Highways Agency. The responsibility for entering this Agreement shall lie with the first main developer in south Ashford whose overall contribution to the infrastructure fund would be higher than the anticipated costs of the interim scheme. These costs would then be deducted from their overall contribution and the remainder phased in accordance with the guidelines set out in Section 7 below.

5.22 In the event that neither of the first two main developers to bring their sites forward would have an infrastructure fund contribution large enough to cover the estimated costs of the interim scheme, then an alternative solution will be negotiated. This could involve the use of one developer's contributions to offset or top-up the costs of another. The cost of the 'interim' scheme is estimated at £6.3 million. Additional costs associated with the purchase of land required for the interim scheme are estimated at £150,000 and these are also included in the costs that should be met by the infrastructure fund.

Long-term M20 junction 10 improvement (Junction 10a)

5.23 The SATS technical work has established beyond any reasonable doubt that a major new long-term improvement to M20 access on the eastern side of Ashford is going to be necessary in the future. This is not only to accommodate RPG-related development but also proportions of the development on the sites in the current Local Plan. What this improvement is and where it should be built are decisions which are not specifically related to this SPG and will be determined by the Highways Agency in due course. In 2003, The Government announced that a new 'junction 10a' was to be included in the Targeted Programme of Trunk Road Improvements and that the Government would fund the junction and a single carriageway link road back to the A2070, with developers being asked to pay for the dualling of the link road. The developers share of this cost is estimated at £10 million.

5.24 In order to establish a reasonable contribution from current Local Plan sites, we have used the assumptions set out in para. 3.9 of the SPG. This means that 20% of the cost estimate for the preferred junction 10a option should be sought from the infrastructure fund. This equates to total of £2 million.

5.25 The following table summarises the costs of the individual elements of the South of Ashford Transport Plan.

Measures	Costs
New bus services	£7.616 m
New school bus services	£0.56m
New bus infrastructure	£0.224 m
New marketing / promotion post	£0.3 m
New cycleways	£0.524 m
Minor junction improvements	£0.838 m
J10 interim scheme:- - Hythe Road widening /signals - additional bridge carriageways - new footpath / cycle bridge - entry widening	£6.3m
Additional land and fees costs	£0.15m
M20 J10a and link roads (20% of developers share of costs)	£2.0 m
Total	£18.512 m

6. COST APPORTIONMENT

6.1 It is anticipated that the costs of the Transport Plan will be divided primarily between the developers of the four main development sites at Cheeseman's Green, Waterbrook, Bushy Royds and Park Farm. The following mechanism has been devised to provide a fair and proportionate method of establishing the level of contributions for each developer based on the amount of traffic likely to be generated by their schemes.

6.2 The consultants have advised us on the appropriate traffic generation ratios for different types of development based on mean, two-way trip rates for the a.m. and p.m. peak periods. For example, about 150 two-way trips are generated from the following quantum of different uses.

100 homes = 5,500 sq.m. B1 = 8,600 sq.m. B2 = 16,700 sq.m. B8 = 1000 sq.m. A1 (food) = 6,500 sq.m.

By relating these ratios to the total amount of development proposed from the four sites (based on our most recent assumptions), different types of development can be turned into common 'units'. Therefore 1 'development unit' = 150 two-way trips in the two peak periods combined.

6.3 Taking the current likely quantum of development on the four main sites together (based on most recent planning applications and best assumptions), we can calculate the total number of 'units' of proposed development upon which the apportionment of the Transport Plan costs can be divided.

Cheeseman's Green	=	23.72 development units (DUs)
Waterbrook	=	11 DUs
Park Farm	=	7.8 DUs
Bushy Royds	=	5.7 DUs

6.4 This results in a total of 48.22 DUs. It should be noted that the figure for Waterbrook is based on the Borough Local Plan which allocates Waterbrook for a mix of employment development with an indicative floorspace of 80,000 sq.m. In DU terms, this could be as high as 14.5 DUs if all 80,000 sq.m. were to be developed for B1 light industrial uses down to 4.8 DUs if the site was developed purely for B8 warehousing. As such, a figure of 11 DUs is a fair reflection of the current potential scale and mix of employment development on the site given the existing site policy and extent of the known physical constraints (eg the floodplain). In addition, new developments that the Council is now aware of elsewhere that fall within the scope of SPG6 should also be considered. These amount development quantum equivalent to:-

- 2.4 DUs at the William Harvey Hospital site
- 0.45 DUs at Tesco (extension to Willesborough store)
- 1.16 DUs at Norman Road

6.5 The Council has also left 1.04 DUs unallocated to any specific development as part of its apportionment formula adopted in 2003 to guide the release of new development requiring capacity at an upgraded Junction 10. However, it can be reasonably assumed that this capacity will be developed (e.g from other windfall sites in southern Ashford) and so these too can be added to the quantum of assumed development. When added to the 4 main sites, this gives a total identifiable quantum of assumed development of 53.27 DUs.

6.6 Of the expected quantum of development described above, 470 dwellings (4.7 DUs) at Bushy Royds are under construction and a SATS contribution of £1.257

million has been agreed. Also, the proposed extension to the Tesco store (0.45 DUs) has planning permission with an agreed SATS contribution. As such, a total of 5.15 should be deducted from the total available quantum of assumed development, leaving a net total of 48.12 DUs

6.7 In order to establish the contribution per unit of development, the total costs of the Transport Plan measures are divided by the number of development units to give a cost per unit, which can then be applied to developments as they come forward. However, it is necessary to deduct the contributions already committed from the Bushy Royds and Tesco schemes, as well as an additional £300,000 from KCC towards 'green' measures in the Transport Plan from the total required, leaving a net requirement of £16.78 million.

Therefore, the contribution per development unit will be £348,712 (£16.78m divided by 48.12 development units).

Worked example

As a hypothetical example to illustrate this mechanism in operation, a planning application for 200 houses, 40,000 sq.m. of B1 floorspace and 20,000 sq.m. of B8 floorspace would generate the following contributions: -

200 houses	= 2 units	= 2 x £348,712	= £697,424
40,000sq.m. of B1	= 7.27 units	= 7.27 x £348,712	= £2,535,136
20,000 sq.m. of B8	= 1.19 units	= 1.19 x £348,712	= £414,967
Total development	= 10.46 units		= £3,647,527

The costs of the Transport Plan are based on 2004 quarter 1 prices and so any Section 106 Agreement would need to ensure that any contributions are index-linked from that time.

6.8 In the case of sites that have been considered as 'committed' in the SATS, should a renewal of an extant planning permission be sought, or a new scheme be submitted in substitution of the development with extant planning permission, a SPG6-related contribution will only be required where the new scheme generates a higher number of trips than the extant proposal.

6.9 In these circumstances, the costs of the Transport Plan should be re-apportioned to take account of the new development being sought (and therefore the number of units of development that would be contributing to the infrastructure fund). This will mean that the overall contribution per unit of development will reduce. If previous developers have already signed Section 106 Agreements committing themselves to a higher proportion of the costs of the Transport Plan than they would now incur, an 'under-payment' will be collected in the second or third tranches of their contribution, thus enabling them to contribute a revised lower amount. However, should all of a developer's contributions already have been made to the infrastructure fund, then no automatic reimbursement would occur.

6.10 If the revised or amended proposal would generate more traffic than had been assumed when it was a committed site, then this proportion of the development would be treated like a windfall site and thus a proportionate additional contribution above the total infrastructure fund would be needed (see Section 9 below).

Development at the William Harvey Hospital

6.11 The William Harvey Hospital site is allocated for further expansion in the Local Plan.

At this time, a total of 2.4 DUs worth of new development has been accommodated for within the calculations above, however, over time it is anticipated that further development will be sought at this site and when such proposals are finalised and the associated traffic impacts more clearly defined, it is expected that development here will make a proportionate contribution to the Transport Plan. In these circumstances, the costs of the Transport Plan would also need to be re-apportioned accordingly.

7. PHASING OF CONTRIBUTIONS

7.1 The phasing of contributions to the infrastructure fund may determine the scope of the measures that can be implemented at any particular time. It is acknowledged that developers meanwhile are keen to spread their contributions over a longer period in order that they may be able to generate a revenue stream to help off-set their costs.

7.2 In order to minimise the opportunity for traffic generated by new development to add to congestion, there is a need to implement key pieces of infrastructure before too much new development is completed. There is inevitably a time lag between receiving contributions and providing the infrastructure or services on the ground. Therefore, it is important for a reasonable proportion of the developers' overall contribution to be triggered at an early stage in the development of their site so that funds are available to commence new infrastructure or services.

7.3 As a guideline, the Council will seek developer contributions to the SATS Transport Plan infrastructure fund at the following times: -

- 50% of the total contribution to be payable prior to the commencement of the development (including any associated servicing or infrastructure specifically related to the development of the site).
- 25% of the total contribution to be payable prior to the completion of one-third of the development 'units' (x number of houses/floorspace, etc).
- the remaining 25% to be payable prior to the completion of three-quarters of the development 'units'.

In the event that important cost thresholds for the implementation of key infrastructure (e.g. the J10 interim scheme) need to be passed, then the Council may seek a greater percentage of the overall contribution at either the first or second trigger point above and conversely, if this is not the case, then there may be scope to pay a slightly lesser proportion at either of these times if appropriate.

8. COLLECTION AND SPENDING OF CONTRIBUTIONS

8.1 The Borough Council is the most suitable organisation to collect and hold the infrastructure fund but decisions on how and when to spend accumulated funds should be taken by a combination of public sector organisations. A group chaired by the Borough Council, and including the County Council and the Highways Agency (and possibly GOSE) should be set up to oversee the fund and the implementation of the Transport Plan.

8.2 There should also be a suitable mechanism put in place to monitor and scrutinise the spending of the infrastructure fund. This SPG proposes that a new body with representation from the relevant developers and other organisations as well as the public sector interests referred to above be established to take on this role. It is envisaged that the current SATS partners would form the basis of this body. The precise terms of reference of both groups need to be formulated in due course but the public sector group could be required to report to the wider body on a half-yearly basis.

9. WINDFALL SITES & PAYMENTS

9.1 The vast majority of traffic generated by proposed developments in the Local Plan come from the 4 main sites at Cheeseman's Green, Park Farm extension, Waterbrook and Bushy Royds but the effect of any other developments coming within the scope of this Guidance coming forward must be considered too. These 'windfall' sites could affect the overall quantum of development that the south of Ashford transport network may need to accommodate. These are likely to be unforeseen developments on sites not allocated in the Local Plan. Where applicable, these sites will provide an additional developer contribution based on the cost per unit of development established in this SPG. These contributions will provide funding over and above that necessary for the implementation of the Transport Plan but will help to address any additional measures needed as a result of increased development as well as some local highway management schemes.

10. REVIEWING SPG / SECTION 106 AGREEMENTS

10.1 It is inevitable that some of the assumptions that have been made in the formulation of this Guidance will prove to be inaccurate. Changes in Government policy, the predicted rate of traffic growth, the predicted rate of development implementation and the outcome of Regional Planning Guidance for Ashford could all have major impacts. Therefore, it is important that provision is made to review and if necessary, amend this SPG and the way it is put into effect (e.g. through the workings of the infrastructure fund or the contents of Section 106 agreements). As such, there will be a formal review of the processes and mechanisms of this SPG (and associated Section 106 Agreements) within two years of its adoption and thereafter as needed.

11. REPAYMENT PROVISIONS

11.1 In accordance with usual procedures in Section 106 Agreements, there will be the provision made for the repayment of developer contributions in the event that

they are not utilised after a significant period of time following their receipt. However, it should be recognised that contributions may be held for specific purposes or may be awaiting further contributions to enable a piece of infrastructure or other element of the Transport Plan to be paid for.

APPENDIX 1

Statement of Consultation

1.1 Paragraph 3.16 of PPG12 refers to the need to publish a statement of consultation undertaken on the SPG, the representations received and the Council's response to those representations.

1.2 The SPG was published in draft form in March 2001. The following organisations were formally consulted: -

Kent County Council (Education, Economic Development and Highways Departments)

Highways Agency

Government Office for the South-East

East Kent Health Authority

East Kent Hospitals NHS Trust

Pelham Homes

The Church of England Commissioners

Eurotunnel Developments Ltd.

John Laing Property Ventures

BAA McArthur Glen

Fairview Homes Ltd

Tesco Stores Ltd

Asda

Stagecoach East Kent

Hillreed Homes

London & Continental Stations and Property Ltd

South East England Development Agency

South East England Regional Assembly

South Kent College

Ashford Chamber of Commerce and Industry

Locate in Kent

Ashford Rural Trust

SUSTRANS

Mersham & Sevington Parish Council

Kingsnorth Parish Council

Smeeth Parish Council

South Willesborough/Newtown Residents Association

Mr and Mrs K. Brown

Mr K. Elliott

(In some cases, professional advisors to the named consultee were also directly consulted).

1.3 A total of 13 responses were received in response to the consultation. These were summarised and reported to the Council by the Planning Policy Manager in his report to the Council's Policy & Resources Committee dated 10th July 2001 which also recommended the adoption of this SPG. The full responses are available as background documents to that report and are not reproduced here.

1.4 The following is an extract from the Committee report which deals with the consultation responses and the Council's response: -

2. SUMMARY OF RESPONSES TO CONSULTATION ISSUES IN THE DRAFT SPG

2.1 A total of 46 organisations/groups/persons were formally consulted on the draft version of the SPG and 13 responses have been received. These are listed as background documents to this report. Some of these responses refer to the 10 specific consultation issues included within the document of which the most fundamental are discussed in more detail here.

a) The scope of the SPG

2.2 It is important that the scope of the SPG is sufficient to cover the development of all sites which may materially affect the traffic and transport situation in the south of Ashford area. Two potential approaches were proposed in the draft SPG. Of the consultees that commented on this issue, a significant majority were in favour of the approach that involved using a plan to show an area that will be served by the improvements proposed in the Transport Plan and apply a threshold based on vehicle trips per day on the network within that area. Developments which generated traffic movements above that threshold would be subject to the requirements of the SPG. One consultee, Eurotunnel Developments Ltd (EDL), suggested that the threshold should be 100 vehicle two-way trips per day between 7 a.m. and 7 p.m. and that it should only apply to those sites without an existing planning permission.

Officers' response

2.3 *There are some concerns about using a plan-based approach in defining the scope of the SPG, as it is inevitably difficult to judge an appropriate boundary to draw. There needs to be a caveat which can act as a 'catch-all' in the event that future developments outside the boundary could be bound by the SPG if they generated sufficient vehicle movements in the area. Also, smaller land parcels within larger sites should also be covered by an appropriate caveat.*

2.4 *An amalgam of the two approaches is suggested in the SPG. The sites allocated in the Local Plan to which the SPG would apply should be listed alongside a plan indicating the geographical area to which the SPG relates. In my view, the most appropriate way of establishing a geographical boundary would be to establish two isochrones centred on junction 10 as the most sensitive part of the local network. For sites within the first isochrone I propose to adopt EDLs suggestion that the trips threshold should relate to two-way trips between 7 a.m. and 7 p.m. For sites within the outer isochrone, and thus further away from and with less impact upon junction 10, a higher trip generation threshold should be used. I propose a figure of 200 two-way trips between 7 a.m. and 7 p.m. However, the information contained within individual Transport Assessments will continue to be relevant in analysing the impact of any particular development on the network as a whole and so there may be exceptional circumstances where developments outside either isochrone should be assessed against the SPG and vice versa. Plans showing the extent of these isochrones will be displayed at the Committee meeting. The issue of whether the SPG should apply to renewal of planning permission on currently committed sites south of Ashford is dealt with elsewhere.*

b) An infrastructure fund approach

2.6 This is a fundamental element of the proposed SPG which has been suggested in the draft as the best mechanism for unlocking new development and infrastructure needs in south Ashford. Consultees were asked for their views on the principle of using an infrastructure fund to which developers would contribute proportionately. This would be based on dividing the overall costs of implementing the measures in the Transport Plan by creating 'units' of development that are related to the numbers of vehicle trips generated by different forms of development. This would then set the basis for developers to contribute depending on how many 'units' of development were being sought.

2.7 Of those responding on this issue, there was unanimous agreement to the principle of an infrastructure fund, although not necessarily for the delivery of all elements of the Transport Plan (this is dealt with later).

Officers' response

2.8 *It is reassuring that this approach has been broadly endorsed by the respondents as the fairest method for calculating developer contributions. I believe it does follow the Government's advice on developer contributions that is set out in Circular 1/97 and provides the only realistic way in which the majority of the measures in the Transport Plan can be funded in an equitable way.*

c) Trip generation or trip distribution

2.9 For the purposes of assessing the infrastructure charge, two alternatives had been suggested in the draft SPG. Trip generation would base contributions simply on the number of 'units' of development irrespective of location, whilst trip distribution would take account of where trips impact on different parts of the network. A large majority of those who commented on this issue favoured the trip generation method, although some concerns were raised about the equity of this approach and the need to be flexible to allow specific trip information to be taken into account.

Officers' response

2.10 *I do recognise that the use of a trip distribution method would, on the face of it, provide a greater level of fairness in allocating the costs of infrastructure provision. However, it would require a separate contributions formula for each individual site which makes the process far more complicated and, I believe, less transparent. There is a general consensus in favour of the much simpler alternative and thus, I propose to use trip generation as the basis for assessing 'units' of development and calculating developer contributions.*

d) The sequence of infrastructure provision

2.11 In the event that development on different sites comes forward at different times, the use of an infrastructure fund can mean that there is insufficient money available to implement all the Transport Plan measures simultaneously. This means that decisions may need to be taken on prioritising which measures should come first. The draft SPG suggested that such decisions should be based on the principles encompassed in the SATS - early commissioning of new bus services to provide a realistic and attractive alternative to car use; and the commencement of the junction 10 'interim' works at the earliest possible stage to minimise any time lag between the completion of new development and the creation of additional capacity at the junction.

2.12 The consultation responses have highlighted the main issue here, namely whether priority should be given to providing new highway infrastructure or the commissioning of new bus services. Developer interests favour the former, whilst KCC Highways and Planning prefer the latter. The Highways Agency agrees that the junction 10 interim scheme should be in place before the occupation of a significant number of new dwellings. Amongst other respondents, there is a general feeling that junction 10 needs to be improved as soon as possible.

Officers' response

2.13 *Despite the obvious concerns about congestion at junction 10, this is not a straightforward decision. One of the key objectives of the SATS was to provide a sustainable set of transport solutions which was less reliant on simply providing greater highway capacity, thus providing a comprehensive response in tune with Government planning and transport policy but also one which minimised the potential for unacceptable levels of congestion on the network for the longest period. One of the key principles in establishing this was the recognition that alternatives modes of transport had to be available to residents/employees of the new sites at an early stage if they were to be persuaded to use an alternative to the car. These assumptions have been implicit in the technical work carried out by the SATS consultants.*

2.14 *Conversely, there is also a recognition by all parties that the key constraint to development coming forward in south Ashford is M20 junction 10. The 'interim' scheme to provide additional capacity there is fundamental to enabling allocated sites to be progressed in the short term. Any major new development in the area that is completed in advance of these improvements being carried out will inevitably result in growing congestion.*

2.15 *Ideally, both the completion of the junction 10 interim scheme and the commissioning of new bus services would occur before major additional development takes place on any of the proposed sites south of Ashford. It is quite likely that development contributions will come forward in a way which can bring forward both the most urgent highway and green transport measures in a realistic timescale. However, in the event that there are insufficient funds available at the time to achieve this, I believe that a pragmatic approach is necessary. As such, the key constraint to development occurring should be tackled as a priority, which in this case would mean the construction of the interim scheme. If, as discussed later, this is achieved through a developer in the area entering into a Section 278 agreement with the Highways Agency to pay for the interim scheme, then other developers' contributions could be used primarily for subsidising new public transport services and footpath/cycleway links.*

2.16 *The Borough Council is the most suitable organisation to collect and hold the infrastructure fund but decisions on how and when to spend accumulated funds should be taken by a combination of public sector organisations. A group chaired by the Borough Council, and including the County Council and the Highways Agency (and possibly GOSE) should be set up to oversee the fund and the implementation of the Transport Plan. There should also be a suitable mechanism put in place to monitor and scrutinise the spending of the infrastructure fund. I suggest that a new body with representation from the relevant developers and other organisations as well as the public sector interests referred to above be established to take on this role. It is envisaged that the current SATS partners would form the basis of this body. The precise terms of reference of both groups need to be formulated in due course but the public sector group could be required to report to the wider body on a half-yearly basis.*

e) Contributions to public transport, cycleways and minor non-trunk road improvements

2.17 The draft SPG considered the most appropriate way of funding and delivering the 'green' measures in the proposed Transport Plan and the minor junction improvements that would be needed in the future at existing roundabouts on the A2070 Southern Orbital Road and the A2042 Romney Marsh Road.

2.18 In keeping with the previously expressed support for the principle of an infrastructure fund, responses on this point were almost unanimous in their support for that method as the way of funding all of these measures, as opposed to the use of individual Section 106 Agreements requiring each developer to provide specific services or pieces of infrastructure. One land owner did express concerns about the transparency of using a general infrastructure fund for implementing these measures but the developers involved in the SATS were all satisfied provided that the measures were reasonable and could be adequately justified for inclusion in the Transport Plan. KCC, as Highway Authority, were also satisfied with this approach.

Officers' response

2.19 For off-site footpaths and cycleways and the minor non-trunk road improvements, an infrastructure fund approach is the correct method of delivery. The commissioning of bus services, especially school bus services, is more complicated. If new sites in south Ashford come forward at different times, it may be necessary to implement a new bus service in an incremental way. The main advantage of the infrastructure fund is that it provides flexibility for resources to be spent in the most effective and efficient way but the responsibility for delivering and administering this would lie with the public sector. If individual developers were required to commission new services as part of their Section 106 agreements, the onus would be on them to arrange these services and promote their use to a greater degree.

2.20 New bus services are also a difficult part of the Transport Plan to cost accurately. The patronage that is achieved on a new service will significantly influence the level of subsidy needed to make it viable. This could make an infrastructure fund approach more uncertain, for developers and the Council, in that contributions sought may not match those necessary to run a viable service over a set period of time. However, in reality, the flexibility provided by an infrastructure fund is likely to be extremely useful as the development of different sites will progress at different rates and in different timescales. Given the general consensus in favour of that method, the infrastructure fund is the best mechanism by which developer contributions to the new bus services in the Transport Plan are collected.

f) Contributions to local traffic management schemes

2.21 This part of the draft SPG related to whether the infrastructure fund should also be used to help off-set the impacts of the growth in traffic on the local road network in the existing parts of South Ashford itself and, more specifically, at Court Lodge Farm, completing a link from the development sites to the south-west of Ashford with the wider network in south Ashford.

2.22 The developers who responded on these issues felt that these elements should be omitted from the Transport Plan and therefore not be funded by their developments. They felt that their inclusion could not be justified as these issues had not been specifically raised in the SATS and that it would not be reasonable to

introduce additional works that had not been identified by the consultants. EDL were particularly concerned about the use of contributions for unspecified highway works.

Officers' view

2.23 *It must be acknowledged that these works differ from all other parts of the proposed Transport Plan in that they have not been recommended for inclusion by the SATS consultants. The key test is whether it would be reasonable under the advice in Government Circular 1/97 on planning obligations for the proposed developments south of Ashford to contribute. Elsewhere in this report an approach to collecting contributions to the SATS package of measures is put forward from 'windfall' sites. Together such sites could have a significant effect within the study area and along with other planned developments will spread extra traffic throughout the area - for example, in creating additional trips through the south Ashford area. The package of transport measures needed to cater for the increased overall impacts could logically be increased to offset such impacts.*

2.24 *Traffic management measures in south Ashford and the completion of the Court Lodge Farm link are two obvious extra works related to this overall impact from development. It is true that no detailed work has been carried out to model these impacts - indeed they cannot be accurately predicted in advance of knowing what development will come forward. For this reason it would not be reasonable to seek contributions from the major local plan sites funding the SATS package of transport works to these areas of spending. Instead it is proposed that contributions arising from 'windfall' developments (see para. 3.10 below) are directed towards such works as part of a wider package of transport works south of Ashford. There is also the realistic prospect that some funding may be available via the Local Transport Plan which would help to implement local highway measures.*

2.25 *This is a pragmatic way forward based on a reasonable judgement which recognises the importance, especially in local people's eyes, of new developments helping to tackle the issues raised by the increased traffic they will put onto the local network*

g) Contributions to M20 junction 10 'interim' scheme

2.26 The so-called 'interim' scheme at junction 10 has been designed to provide as much capacity as possible for traffic generated from the proposed sites south of Ashford as possible without making the existing situation worse. The draft SPG put forward several options for securing this improvement.

2.27 The general consensus amongst respondents was that the optimum approach would be for the first developer to use the traditional method of entering into a Section 278 Agreement with the Highways Agency to fund the works. Two developers have indicated that they would be prepared to do this on the basis that the costs are no greater than their required overall contribution to the infrastructure fund. The Highways Agency also support this approach. As an alternative, a consortium of developers could jointly fund the scheme through a S278 Agreement (with one acting as 'banker'). None of the other options mentioned in the draft SPG found any support.

Officers' response

2.28 *The use of a Section 278 Agreement as the means of implementing the 'interim' scheme is the preferred approach and it is helpful that two developers have indicated a willingness to adopt this method. A detailed cost estimate of the scheme*

should be available shortly but the risk of any cost over-run would lie with the developer. Perhaps the key issue is that the total level of contributions from any single developer should not exceed that which would apply if any other method of implementation was adopted. As such, the developer who enters into the S278 Agreement and therefore pays more than their proportionate share of the costs for the 'interim' scheme would not have to pay their share of the costs of the rest of the Transport Plan.

2.29 The only other possible alternative to the 'developer' S278 approach would be to collect contributions from developers as new development is implemented until sufficient funds had accumulated for the Borough or County Councils to enter into a S278 of their own with the Highways Agency. Such a method may not be acceptable to the Highways Agency but even if it were, greater amounts of development (and therefore, traffic) would be released in advance of the interim scheme being completed. This time lag between releasing development and providing the infrastructure to accommodate it needs to be minimised if possible.

2.30 It appears to be most unlikely that any of the other options listed in the draft SPG would be practical or realistic without a fundamental change in Highways Agency policy. The proposed developer S278 approach is not ideal in that it may leave little in the way of funding for other measures in the Transport Plan until other developers come forward. It would, however, provide the best mechanism for enabling the early release of the BLP allocations south of Ashford and minimising the potential for additional congestion at junction 10. In my view, this is the most appropriate method of delivering the interim scheme within the context of the Transport Plan.

2.31 I propose that the SPG should require the first main developer in south Ashford whose overall contribution would exceed the predicted cost of the interim scheme, to enter into a S278 Agreement with the Highways Agency, either unilaterally or with other developers, to fund the 'interim' scheme at junction 10. The contribution to rest of the measures in the Transport Plan shall be amended accordingly. If the overall individual contributions of the first two main developers appears to be insufficient to cover the anticipated costs of the 'interim' scheme, then an alternative solution will be negotiated (e.g. use of one developer's contributions to offset the costs of another).

h) Contributions to a long term access improvement to M20

2.32 The evidence from the consultants work points to the need for a future long term improvement to access to the M20 to the east of Ashford. This would be required not only to accommodate the traffic generated by post BLP RPG-related development but also a proportion of the traffic from the allocations in the BLP itself. Whether that improvement is at the site of the existing junction 10 or through the construction of a new, replacement motorway junction to the east of junction 10, it will clearly be an expensive piece of infrastructure, the costs of which could not reasonably be borne by a single developer. The draft SPG suggested that developer contributions towards a future long term improvement are collected on the infrastructure fund principle. Future, developments after 2006 in the Borough Local Plan First Review would contribute on a similar basis.

2.33 The consultation responses recognised the inadequacy of junction 10 and the need to start planning and making decisions on how to remedy the situation. Some developers were not convinced that any costs associated with a long term M20 junction improvement should form part of the Transport Plan on the grounds that the

responsibility should fall on the public sector (ie the Government/Highways Agency) to fund any improvements. The Highways Agency themselves have pointed out that no long term improvement scheme has been approved or included within the Government's 10 year Transport Plan. However, they appear to be content for the Council to accumulate developer contributions to this end as a way of releasing BLP development that cannot be accommodated by the J10 'interim' scheme. This is an important step forward in the Agency's policy approach to the particular issues raised at Ashford.

Officers' response

2.34 The views expressed by the Highway Agency appear to signal a way forward on this very complex issue. The ability to unlock the funding of a long term access improvement to the M20 has long been a constraint to development south of Ashford being released, or indeed, being viable and with RPG scale development potentially on the horizon, a solution to this problem is becoming ever more urgent.

2.35 In my view, there is some justification for a scheme to be funded by the Government. SEERA have already made one unsuccessful attempt to include a scheme in the Government's Targeted Programme of Investments (TPI) for national roads schemes. When a more detailed scheme is drawn up in the future and work has progressed on testing the implications of the Government's RPG aspirations for Ashford, then a more successful bid for inclusion might be possible. Issues such as the potential trunking of the A2070 and the increasing amount of traffic on the M20 route itself might also be factors.

2.36 Notwithstanding the legitimacy of the arguments in favour of Government funding, there can be no certainty that this would be available or in what timescale. To rely on this approach would not enable the Council to release any more development than could be reasonably accommodated by the J10 'interim' scheme, with the prospect of a further constraint on development beyond that. That could have serious implications for Ashford's ability to deliver its RPG role and for the economic prosperity of the town. This SPG provides a mechanism by which developer contributions towards a longer term scheme can begin to be accumulated. It will need to be regularly reviewed (see below), in particular to take account of when future transport improvements are delivered (e.g. the long term improvements in access to the motorway) as this will affect how well the transport system can cope until then.

2.37 On the basis of the indicative costs of a future long term highway improvement (work currently being undertaken by TPK), a proportion of those costs should form part of the Transport Plan. The appropriate proportion should be calculated by comparing the amount of the proposed BLP development traffic that cannot be accommodated by the J10 'interim' scheme to the assumptions we have made in respect of post Local Plan development south of Ashford. These assumptions are set out in more detail and justified in the SPG itself.

APPENDIX 2 – Statement of consultation (June 2004 amendments)

2.1 This revised version of SPG6 was published in June 2004. The proposed revisions to the July 2001 version were reported to the Council's Executive in March 2004, after which both targeted and public consultation exercises were carried out.

2.2 On 7th April 2004, a copy of the report considered by the Council's Executive was sent to parties with a known interest in current development allocations south of Ashford and members of the SATS partnership. These were as follows:-

GSE Ltd
Highways Agency
RPS Chapman Warren
Kent County Council
Government Office for the South-East
Peter Brett Associates
Littman & Robeson
East Kent Hospitals NHS Trust
JMP Consultants Ltd.
Jennifer Owen & Associates
Buchanan Consulting Engineers
Barton Willmore Planning Partnership
Pelham Homes
Taylor Woodrow Developments
Church Commissioners for England
Bellamy Roberts Partnership
DTZ Piedad Consulting

2.3 In addition, a Public Notice was placed in the Kentish Express newspaper on 22nd April 2004, with details of the proposed changes to SPG6 and giving 3 weeks for comments to be made in writing to the Borough Council.

2.4 Following these consultation procedures, no comments were received on the proposed amendments to SPG6. The amendments were formally adopted by the Council's Executive on 27th May 2004.