



1. Planning Policy Background

1.1 Urban Sites and Infrastructure DPD

Chapter 9 – “Implementation and Delivery” of Ashford Borough Council's Urban Sites and Infrastructure DPD (adopted October 2012) sets out as follows:-

Key Infrastructure

M20 Junction 9/Drovers Roundabout

- 9.2** On the western side of Ashford, the capacity of the existing motorway junction and the nearby Drovers roundabout is inadequate to cater for all planned growth on this side of the town. Therefore, a series of planned improvements have been brought together to create a comprehensive scheme for the upgrading of both junctions in order to alleviate this constraint. This will enable the delivery of all sites in this DPD on this side of Ashford including the sites at the Warren and the Eureka Business Park.
- 9.3** The combined scheme was forward-funded to KCC by SEEDA through the Regional Infrastructure Fund (RIF) and legal agreements entered into between the Council, KCC and SEEDA in May 2010 require the RIF forward-funding to be repaid via a combination of developer contributions through Section 106 agreements and contributions to the proposed Strategic Tariff. Some Section 106 contributions have already been negotiated and secured (from Repton Park and the Eureka Business Park) and pending the introduction of the Strategic Tariff it will be necessary for other development proposals which generate traffic that relies wholly or in part on capacity created by the forward-funded improvements to make Section 106 contributions towards the RIF repayments. The improvement works commenced on site in June 2010 and were completed in summer 2011.
- 9.4** As part of this scheme, a new footbridge / cycleway has been constructed over the M20 to improve connectivity between the Eureka Leisure Park and developments along Simone Weil Avenue.

Infrastructure provision to serve the needs of new developments

- 9.38** The Core Strategy makes general policy provision in policies CS8 and CS18 for infrastructure provision to meet the needs of new development. In addition transport infrastructure such as bus services is referred to in Policy CS15.
- 9.42** It is appropriate to set out in a single Infrastructure policy the overall scope of the contributions likely to be required in the urban area, both from sites allocated in this DPD and windfall sites that may come forward. Importantly, this should ensure that there is complete policy coverage in relation to providing for infrastructure needs in the urban area. This policy needs to be read with the previous parts of this chapter, including in particular paragraphs 9.3 and 9.32 which explain that where infrastructure serves a number of developments, all must contribute where appropriate towards the cost and /or the repayment of forward funding.

Policy U24 - Infrastructure provision to serve the needs of new development

All developments shall make provision to meet the additional requirements for infrastructure, bus services and community services and facilities arising from the development. Such provision shall be accommodated within the development where this is practical and appropriate, and otherwise shall be in the form of appropriate and proportionate financial contributions for provision in a suitable off-site location. In either case, provision shall also be made for management and maintenance of such facilities for an appropriate period.

1.2 Chilmington Green AAP

Chapter 9 – “Transport” of Ashford Borough Council's Chilmington Green Area Action Plan (adopted July 2013) sets out as follows:-

Highway Measures

- 9.14 The Core Strategy assumed the delivery of a package of town-wide highway improvements to help mitigate the transport impacts of the growth strategy. The development at Chilmington Green brings with it the opportunity to deliver part of these strategic improvements to the primary road network and avoid the risk of overburdening the local rural highway network. Much testing and modelling of different transport and infrastructure scenarios has been undertaken to establish an optimum balance of mitigation and improvement proposals.

- 9.15 For improvements to the strategic network, the council expects that these may be funded from a variety of sources including the Community Infrastructure Levy (CIL) and a limited number of specific Section 106 contributions. Forward funding arrangements will be sought to ensure that infrastructure improvements can be implemented when required. Such arrangements have helped to deliver the strategic improvements to the M20 Junction 9 and Drovers roundabout and development at Chilmington Green will need to make appropriate contributions to re-fund the financial outlay on those schemes.
- 9.22 To the north of the 'Tank' roundabout, the A28 is already dualled to the 'Drovers' roundabout and M20 Junction 9, where recently completed strategic improvements have been implemented. When taking account of the proposed increase [sic] proportion of trips by public transport from the Chilmington Green development (and within Ashford) in the future (see Public Transport on page 80) these strategic improvements are considered to be adequate to serve the proposed development.

POLICY CG11 - HIGHWAYS AND ACCESS

Proposals for development at Chilmington Green shall include provision for the following:-

b) funding to a level to be agreed by the borough and county councils towards the repayment of the forward funding arrangements that delivered the improvements to the A28 Drovers roundabout and M20 Junction 9;

2. Traffic Background

2.1 Jacobs, the then consultants to the highway authority, Kent County Council, produced the "Composite Scheme Design - Outline Design Report - July 2008". This included an assessment of both the Drovers roundabout and the M20 junction 9 roundabout which included all known committed development, based on AM and PM peaks for the years 2009 and 2022.

2.2 This Report showed the following traffic volumes:-

	<u>Drovers</u>	<u>Junction 9</u>
Total PM peak two-way vehicle flow in 2009	5,262	4,893
Total PM peak two-way vehicle flow in 2022	6,297	6,097
Thus, new PM peak trips provided for by the RIF works are	<u>1,035</u>	<u>1,204</u>

- 2.3 Jacobs' "Composite Scheme Design - Outline Design Report - July 2008" also states as follows:-

Extract from section 5.2 on page 33:-

It can be seen from Tables 7 and 8 that the M20 Junction 9 gyratory will be susceptible to minor capacity issues on the circulatory carriageway in 2022, with predicted queues in the circulatory storage reservoirs marginally exceeding available capacity.

Extract from section 5.3.1:-

Tables 9 and 10 indicate a similar pattern for Drovers gyratory as that for M20 Junction 9, with the operation of the junction predicted to be worse in 2022 than 2031. The internal circulatory reservoirs are severely constrained in terms of storage, due to geometric constraints as covered previously.

- 2.4 Therefore, there is no material "spare" capacity as a result of the RIF works that will not be taken up. Thus it is appropriate that all proposed developments, collectively, should make RIF repayment contributions calculated by reference to the entire cost of creating the additional road capacity.

3. Methodology for calculating RIF Repayment Contributions

- 3.1 The first point to make is that contributions towards the repayment of RIF can only be required from new developments. None of the existing or committed developments which use, or will use, these two intersections can be required to make such contributions.
- 3.2 However, the two main committed developments - Repton Park and Eureka Park - agreed in 2010 to make special payments, in order to meet conditions of the RIF funding offer and as an alternative to progressing stand-alone s.278 arrangements which would otherwise have been required in order to comply with Grampian conditions. The amounts agreed to be contributed by the committed Repton and Eureka Park developments must therefore be deducted from the total to be repaid to SEEDA.
- 3.3 In addition, one site immediately adjoining Drovers roundabout – John Lewis at Home - contributed in kind towards the cost of the works by contributing land and site assistance, reducing the total cost of the project and avoiding expenditure on compulsory purchase. Having already contributed in kind to an equivalent extent, this site was not required to make further RIF repayment contributions, therefore its traffic impact must be treated as committed but non-contributing in cash terms.

- 3.4 In terms of other new developments, it is necessary and appropriate to treat all in the same way in order not to create artificial distinctions and in the interests of fairness and consistency. This is confirmed in paragraph 9.42 and Policy U24 of the DPD, and in paragraph 9.15 and Policy CG11 of the AAP. It is therefore necessary and reasonable to calculate proportionate contributions towards RIF repayment on the basis of the relative traffic generation from each new development.
- 3.5 Each intersection was the subject of a separate RIF award and agreement, and is subject to a separate repayment agreement. It is therefore appropriate to assess the traffic impact of new developments on each intersection differently, and a transport assessment for each new development will be required in order to do this. Separate sums will therefore be calculated for each new development to contribute towards the cost of each intersection's RIF improvement works.
- 3.6 Thus, the balance of the uncommitted RIF repayment liability for each intersection must be divided proportionately between all new developments on the basis of their contribution to the total growth in traffic for which the RIF works cater. This enables a standard contribution rate per 100 new PM peak trips at each intersection to be derived. The standard contribution rates should then be simply applied to the traffic generation from each proposed new development, and s.106 contributions sought accordingly.
- 3.7 The use of standard contribution rates in this way will ensure that, as traffic capacity created by the RIF works is committed to new developments, RIF repayment contributions are likewise committed by those developments at the same rate. Thereby, by the time the entire traffic capacity created by the works is used up, the RIF funding will be repaid in full.
- 3.8 The use of standard contribution rates, directly proportionate to the traffic impacts of developments on the two intersections, enables the local planning authorities, planning inspectors and the Secretary of State to be confident that the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 will be met in their decisions to grant planning permission for such developments.
- 3.9 In the event that a new development requires traffic capacity at either intersection and a RIF repayment contribution is required, but for extraordinary reasons it does not make such contribution in full, any traffic impact which it does not fully pay for in accordance with the standard contribution rates must be treated as committed but non-contributing, in order to avoid an ultimate shortfall in repayment of the RIF funding.
- 3.10 The standard contribution rates are calculated in [RIF Table 1](#) below.

RIF Table 1

	<u>Drovers</u>	<u>J9 & Bridge</u>
RIF Funding originally awarded, 2010	£7,000,000	£8,100,000
Virement from Drovers to J9 & bridge, 2011	<u>(£1,500,000)</u>	<u>£1,500,000</u>
Total RIF Funding to be repaid	£5,500,000	£9,600,000
Repayments committed from Repton Park	(£1,600,000)	(£1,100,000)
Repayment committed from Eureka Park	-	(£2,700,000)
Balance to be repaid by all new developments	<u>£3,900,000</u>	<u>£5,800,000</u>
Contribution received 2012 from Sainsbury's s.106	(£57,391)	(£35,714)
Balance to be repaid by other new developments	<u>£3,842,609</u>	<u>£5,764,286</u>
New PM peak trips provided for by RIF works	1,035	1,204
New PM peak trips used by Sainsbury's	(11)	(10)
New PM peak trips used by John Lewis at Home	(54)	(54)
New PM peak trips used by Sites A & C	(44)	(44)
New PM peak trips provided for others	<u>926</u>	<u>1,096</u>
<u>RIF contribution per 100 new PM peak trips</u>	<u>£414,969</u>	<u>£525,939</u>

3.11 These contributions do not need to be index-linked, as the RIF repayments do not attract interest or indexation.

4. Monitoring

4.1 The contribution rates in **RIF Table 1** were agreed between Ashford Borough Council and Kent Highway Services in November 2012. They have since been applied to proposed developments set out in **RIF Table 2** overleaf.

Ashford Borough Council.
April 2014.

RIF Table 2

Development			Drovers		J9 and Bridge		Total Contributions
Site	Planning Ref.	S.106 Dated	PM Peak Trips	Contribution	PM Peak Trips	Contribution	
Eurogate Business Park	12/00530/AS	9/1/14	6	£24,898	10	£52,594	£77,492
TOTALS			6	£24,898	10	£52,594	£77,492