



THANET DISTRICT COUNCIL LOCAL PLAN EXAMINATION

Matter 13 - Hearing Statement

Issue 3: Transport Policy SP47

On Behalf of

Pavilion Property Trustees as Trustee
of the Broadstairs Unit Trust

May 2019

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1.0 INTRODUCTION

- 1.1 This Statement has been prepared on behalf of the Pavilion Property Trustees as Trustee of the Broadstairs Unit Trust ('our client' and 'Pavilion Trustees'), to support their appearance at the Thanet Local Plan Examination (in relation to Policy SP47 and its inclusion, at criterion 12, to safeguard strategic routes across their land).
- 1.2 Our client's representations to the Pre-Submission Draft Thanet Local Plan & Draft Transport Strategy (in October 2018) are included as **Appendix 1**.
- 1.3 Our client's responses to the Inspector's questions on this matter (broken down into sub-questions) are set out in the following sections.

2.0 Response to Question 3

What is the justification for safeguarding the routes across the Pavilion Trustees Land?

- 2.1 The Pavilion Trustees understanding is that Thanet District Council ('TDC') have safeguarded the land in order to allow Kent County Council ('KCC') an opportunity to complete the 'Westwood Relief Strategy' (i.e. a ring road around Westwood Cross). This ring road is an attempt to improve the flow of traffic in and around the area, as the existing junction in the centre (the 'Westwood Roundabout') is perceived to be a 'pinch-point' which is reportedly congested at peak times. To this end, the proposed route from the A256 (Westwood Road) to the A254 (Margate Road) would be changed, such that that vehicles would have two options (either to use the existing roads or to use the north south route – through the Pavilion Trustees land).
- 2.2 As a result vehicles travelling west along the A256 (Westwood Road), wishing to then go in a south-bound direction along Margate Road, would have a shortened route as a result of the proposed new north-south route through the Pavilion Trustees land (as they would not be required to travel up to the 'Westwood Roundabout' before having to change direction and turn south). However, there would be no benefit for vehicles travelling east along Westwood Road (wishing to turn south), as they would still be required to use the 'Westwood Roundabout' to perform the manoeuvre.
- 2.3 It is KCC's view that the extension of Millennium Way (i.e. the east west section of the safeguarded route through the Pavilion Trustees land) would provide vehicles with two approach routes and therefore reduce congestion on Westwood Road.
- 2.4 Paragraphs 2.1-2.3 (above) represent the position that KCC have shared with the Pavilion Trusts and also set out in the following documents:

- Kent County Council Capital Project Business Case – Westwood Relief Road', (June 2016)
- Thanet District Transport Strategy 2015-31 (October 2017)
- Forecasting Report – Thanet Local Plan Evidence Base (July 2018)
- Forecasting Junction Assessments – Thanet Local Plan Evidence Base (July 2018)
- Thanet Working Draft Infrastructure Delivery Plan (July 2018)

2.5 Despite continued requests made by the Pavilion Trustees (dating back to August 2017) to see traffic modelling which substantiates KCC's claims that the safeguarded routes will result in the benefits to the flow of traffic through Westwood, at the time of writing no traffic modelling data has been released.

2.6 The Pavilion Trustees research has found that no detailed modelling has been undertaken to support the safeguarding of the routes proposed on their land. This is despite KCC's 'Capital Project Business Case – Westwood Relief Strategy' (30th June 2016), which sought funding for the north-south link road (but not the Millennium Way link), stating (at Para 3.7):

"The impact of the proposed scheme has not been fully modelled as a separate entity but only as part of the wider Westwood Relief Road"

2.7 More recently KCC's 'Forecasting Junction Assessments' report (July 2018) (which forms part of the Local Plan Evidence Base) stated (Para 4.2.5):

"It should be noted however, that an improvement at this junction is anticipated in the DS scenario as a result of the implementation of the Tesco Relief Road and/or the Millennium Way extension. The relief provided by these improvements at the junction are not evidenced in the above assessment due to the coarseness of zoning in the strategic model that has provided the forecast traffic flows underpinning it. A more detailed assessment of the complexities of the Westwood area would be needed to fully identify the impacts of these schemes." (Contour Planning underlining)

2.8 KCC's 'Forecasting Report' (July 2018), which also forms part of the Local Plan evidence base, is also insightful stating (at Para 2.4.8):

"The proposed highway infrastructure improvements are evolving designs from on-going studies and discussions between KCC, TDC and key developers, therefore the inclusion in the model is indicative based on likely alignment, proposed speeds and likely junction designs."

2.9 The above illustrates that, prior to the safeguarded routes being identified in the 'Proposed Revisions to the Local Plan (Preferred Options)' (January 2017), KCC had not undertaken specific modelling to support their identification of the routes.

Furthermore, KCC have acknowledged (in July 2018) that, some 20 months after the safeguarded routes were introduced into the draft Local Plan, no detailed modelling has been undertaken to support Policy SP47 (with regard to our client's site).

- 2.10 The (Para 4.2.5) quote from the 'Forecasting Junction Assessments' report also illustrates that, as of July 2018, KCC was unsure whether the safeguarded routes needed to include one or both of the routes identified through the Pavilion Trustees land.
- 2.11 Furthermore, whilst the draft Thanet District Transport Strategy notes (at Para 9.4.5) that "*Alternative links explored if necessary*" for the 'A256 Westwood Road to A254 Margate Road link' (which is the north-south safeguarded route across the Pavilion Trustees land), there is no evidence that KCC have explored alternative options/routes for this link road.
- 2.12 As part of the north-south route across the Pavilion Trustees land, there is a requirement to secure land currently owned by Kent Fire & Rescue, as well as other third-party land on the west side of the Margate Road. There is no evidence that this land has been secured to help facilitate the new link road.
- 2.13 In terms of the safeguarded east-west Millennium Way extension route, there is no evidence presented as to how KCC/TDC propose to accommodate the additional traffic movements at the Millennium Way / Northwood Road junction (to the east), which currently has restricted movements.
- 2.14 In summary, in the absence of detailed traffic modelling, testing of alternative routes and evidence that land ownership and junction restrictions can be resolved, or whether the viability of the proposed routes have been properly assessed (in financial and deliverability terms) the Pavilion Trustees contend that TDC have insufficient evidence to substantiate the safeguarding of third party land within the adopted Local Plan.

Are these routes necessary for the implementation of the growth identified in the Local Plan?

- 2.15 The Local Plan (and supporting Transport Strategy) seek to secure highway improvements in Thanet, which are designed to accommodate potential increases in traffic flows arising from growth identified in the Local Plan, as well as to resolve existing 'pinch-points' on the highway network. The strategic transport routes identified in the Local Plan include the 'Inner Circuit Route Improvement Strategy' and the 'Westwood Relief Strategy' (the latter includes the safeguarded routes through the Pavilion Trustees land).
- 2.16 In relation to the benefits which the proposed strategic transport routes would deliver for the strategic development sites identified in the Local Plan, it is important to note

that the majority of strategic development sites are located to the west of Westwood Cross. Consequently, the increases in flows from the east, which would primarily benefit from the Policy SP47 'safeguarded' routes, are likely to be less than those in the wider area. Thus, the safeguarded routes are unlikely to mitigate the effects of new strategic allocations.

- 2.17 The limited impact of the strategic sites on the proposed new roads is further demonstrated by the fact that no strategic site is being requested to fund the proposed safeguarded routes across the Pavilion Trustees land, but instead KCC/TDC are looking for "external funding".
- 2.18 Whilst it's possible the redistribution of traffic which may occur (with the Millennium Way extension) could result in improved capacity at other junctions (to the benefit of the wider area), as noted above no detailed modelling has been undertaken to demonstrate that the proposals would improve the queuing and delays in the area. Without this modelling it's possible that the safeguarded routes are unnecessary. In this regard, it is relevant to that within their 'Capital Project Business Case – Westwood Relief Strategy') (dated 30th June 2016) KCC stated (at Para 1.5):

*"Transport modelling forecasts indicate that if proactive mitigation is not realised, existing congestion situation will continue to worsen and that gridlock situation will arise in **2018**". [KCC's use of 'bold']*

- 2.19 This statement brings into question the need for the safeguarded routes, since 2018 has already passed and there is no evidence that the existing routes through Westwood have reached a "gridlock situation".
- 2.20 The lack of detailed modelling for the proposed safeguarded routes is a major omission from the evidence base. Without such evidence being available, the Pavilion Trustees contend that there is no justification for the proposed safeguarded routes in the draft Local Plan. Furthermore, there is no evidence within the evidence base that Thanet Council (or KCC) have tested alternative options/routes for the Westwood Relief Scheme. In this regard, NPPF Paragraph 154 requires local plans to be "*aspirational but realistic.*" In the absence of rigorous testing of alternative options needed to justify the safeguarding of third-party land, Policy SP47 is 'unsound'.

Are the routes deliverable by 2031 (i.e. the Plan Period)?:

- 2.21 The land required to deliver the safeguarded routes (connecting the A256 and A254) is currently outside the control of TDC (and KCC), but instead is controlled by a third parties (including the Pavilion Trustees and Kent Fire and Rescue). Our client has made it clear to KCC (and TDC) that:
- a) They are not interested in making land available for the delivery of the link roads, as they require this land to ensure the continued successful operation of their

business interests (namely the retail stores located on the Broadstairs Retail Park (also known as the 'Thanet Retail Park'), including the Tesco store and retail warehouses). In this regard, as noted in the detailed evidence submitted in the Pavilion Trustees pre-submission representations (see **Appendix 1**), our client has significant concerns that, if allowed, the proposed link roads could severely harm their business operations, undermining the performance of their investment (both now and in the future); and

- b) Even if agreement could be reached on the alignment of the safeguarded routes, such that it would not significantly harm the Pavilion Trustees interests, they are not prepared to 'gift' the land to KCC, but instead require the land to be purchased at an appropriate market level. This matter is made more relevant by the lack of any funding currently in place to acquire the land and construct the link roads.

- 2.22 Without such key components of the safeguarded routes delivery being in place, it is unsound for TDC to include the safeguarded routes within the Local Plan (as they are nothing more than 'aspirations' and not deliverable now, or by 2031).

Who will be responsible for delivering the necessary highways infrastructure?:

- 2.23 KCC would be responsible for delivering the infrastructure works.

3.0 Response to Question 4.

Have routes across the Pavilion Trustees land been costed (and if so by whom), and has this costing been taken into account in the Transport Strategy/Draft local Plan?:

- 3.1 In June 2016 KCC prepared its 'Capital Project Business Case - Westwood Relief Strategy' to the 'South East London Enterprise Partnership' to fund the north-south link road. This identified the 'total project value' as £5.9 million, with the specific 'SELEP funding request' being for £4.9 million (the difference between the figures being an erroneous assumption that Tesco would gift the land to KCC to deliver the link roads, at an estimated land value of £1 million). It is understood that this funding request was rejected, but that a subsequent request for funds from the 'National Productivity Investment Funding' was approved (for £5.339m).
- 3.2 Subsequent to the above costings (which related only to the north-south link road), KCC identified a requirement for the second link road (i.e. the east-west Millennium Way extension) in the 'Proposed Revisions to Draft Local Plan (Preferred Options)' (January 2017) and within the 'Thanet District Transport Strategy' (October 2017). Appendix C of the Transport Strategy identified the cost of the two link roads as £8 million, noting that this could be achieved through "external funding" (i.e. not CIL/S106/S278 contributions).

Is there funding to support the delivery of the routes across the Pavilion Trustees land? If so, where has it come from, and how long is it available for?:

- 3.3 The Pavilion Trustees understand that the funds secured to deliver the north-south link road was secured in circa 2017, with the monies needing to be spent by February/ March 2018. However, as a result of KCC's inability to deliver the north-south link road, the funds were redirected to other infrastructure projects by KCC. At the time of writing, no replacement funding has been secured.
- 3.4 This position is illustrated by evidence in TDC's 'Working Draft Infrastructure Delivery Plan' (Updated July 2018) which notes (at Page 14) that the 'Estimated Cost (Yet to be funded)' is "*to be determined*" and that the 'Funding/Known and Potential Partners' is "*External Funding*". This position is different to that identified in the Thanet District transport Strategy 2015-2031, (30th October 2017) which in Appendix C (Infrastructure Proposals) identifies the cost to "*Upgrade Tesco internal link road to adoptable standard between Westwood Road and Margate Road. Extend Millennium Way to New Link Road*" as being £8,000,000. The discrepancy between the two documents (with the more up to date document removing the cost estimate) illustrates that KCC are uncertain of the costs of delivering the safeguarded routes.
- 3.5 The apparent lack of rigorous financial testing (and the absence of funds being in place to deliver them) places unreasonable uncertainty on the public purse and makes the safeguarding of these routes within the local plan unsound.

4.0 Response to Question 5

Are the safeguarded transport routes shown accurately on the submission policies maps?:

- 4.1 There is a discrepancy between the wording of the Draft Local Plan (Policy SP47) and the draft Local Plan Policies Map. The wording of Policy SP47 (criterion 12), suggests two strategic routes across our client's land (i.e. the link between the A254 and A256 and the Millennium Way extension route – as referred to in the Draft Transport Strategy and Draft Infrastructure Delivery Plan). However, the Policies Map (extract below) only identifies the safeguarded route as an east/west route in the form of a connection between Millennium Way to Margate Road.
- 4.2 No safeguarded north-south connection between the A254 and A256 is included on the Policies Map.



Extract from Submission Draft Local Plan Policies Map (interactive version with 'transport' layers switched on)

5.0 Response to Question 6

How will Regulation 123 of the CIL Regulations apply?:

- 5.1 The Thanet District Transport Strategy confirms that the proposed link roads over the Pavilion Trustees land would be funded by "external funding" and not by S106, S278, CIL funding. This suggests that the safeguarded routes are not required to help deliver the strategic allocations in the local plan (which are not being asked to fund them).

Will the proposed new strategic road proposals be effective in mitigating the effects of additional transport movements and pressure arising from new development in Thanet?

- 5.2 In the absence of specific modelling in relation to the proposed link roads over the Pavilion Trustees land, it is not possible to conclude whether these routes will mitigate the effects of new development in Thanet.

6.0 Conclusions and Recommended Modifications

- 6.1 Policy SP47 is unsound for the following reasons:

- There are discrepancies between the various background documents and the Local Plan as to how many strategic routes are being safeguarded across the Pavilion Trustees land (i.e. is it just the east/west extension to Millennium Way

shown in the policies maps, or does the safeguarding include a north/south route between the A254 and A256);

- The proposed alignment of the routes is not backed up by the supporting evidence base, and has not been subject to rigorous scrutiny (including through detailed traffic modelling) and testing of alternative options (a key requirement of plan making);
- The safeguarded routes are not directly required to facilitate the strategic allocations in the Local Plan (and these developments are not required to help fund the routes);
- No funding is in place to deliver the safeguarded routes;
- The safeguarded strategic routes are not deliverable since the land is not available for the routes and the proposed cost of the works (identified as £8 million in the draft Transport Strategy) significantly under-estimates the cost of the scheme due to the impact on third party land (in terms of both the existing and potential value of this land);
- The safeguarding of the strategic routes blights a number of commercial operations (including by severing the opportunity for linked trips, through lost car parking and blighted access/egress arrangements) and would prevent our client from enhancing their asset value (through the development of undeveloped parts of the site);
- The proposal would encourage increased vehicular movements as customers would choose to drive between the retail park, food store and PFS (as well as other parts of the Westwood area), creating congestion and harming air quality, thereby defeating the aim of the relief road.

Recommendation:

- 6.2 Policy SP47 (and the safeguarded route included in the Policies Map) should be amended to remove Criterion 12 ("Land between A254 Margate Road and A256 Westwood Road (including Millennium Way), Broadstairs") since these strategic routes are undeliverable and their inclusion in the draft Local Plan makes the document unsound and fails to comply with the requirements of good plan-making (due to the lack of rigorous testing, including of alternative options, needed to support the safeguarding of third-party land) set out in the 2018 NPPF (Para 16) (formerly Para 154 of the 2012 NPPF).

APPENDIX 1:

Pavilion Property Trustees representations to Pre-Submission Draft Thanet Local Plan & Draft Transport Strategy (October 2018)

Our Ref. JM/2018-334/L001

Strategic Planning
Thanet District Council
P.O. Box 9
Cecil Street
Margate
Kent
CT9 1XZ



3rd October 2018

Dear Sir/Madam

Representations to: Pre-Submission Draft Thanet Local Plan & Draft Transport Strategy

On behalf of our client 'Pavilion Property Trustees as Trustee of the Broadstairs Unit Trust' we write to set out our comments and objections to the Pre-Submission Draft Thanet Local Plan, together with the Draft Transport Strategy and supporting evidence base.

We set out our comments below:

Representations to Policy SP47 (and Policies Map):

The 'safeguarded' Strategic Route (identified on the draft Policies Map) is located across an existing commercial site, owned in a Joint Venture by 'Pavilion Property Trustees as Trustee of the Broadstairs Unit Trust' (the 'JV site').

The JV site comprises an existing Tesco foodstore (13,523 sq. m gross), together with Broadstairs Retail Park (currently occupied by Dreams, Laura Ashley, Currys PC World, The Range and Wickes), which has a gross floorspace of 12,838 sq. m. The wider site also includes a Tesco petrol filling station, Tesco 'click and collect' facility, various retail concessions (within the Tesco demise) and several 'development sites' (the largest of which is a grassed area located between the foodstore and retail park). The retail park and foodstore share the same access (from Margate Road) and are both served by a shared car park providing 1097 car parking spaces.

Prior to outlining our client's objection to Policy SP47 (and the 'safeguarded' route shown on the policies map) we are concerned with the confused nature that the Draft Local Plan has in relation to our client's site. In this regard there is a clear discrepancy between the wording of the Draft Local Plan (Policy SP47) and the draft Local Plan Policies Map. The wording of Policy SP47 (criterion 12), suggests two strategic routes (i.e. the link between the A254 and A256 and the Millennium Way

route – as referred to in the Draft Transport Strategy, Draft Infrastructure Delivery Plan and several of the evidence base documents). However, the Policies Map only identifies the safeguarded route as an east/west route in the form of a connection between Millennium Way to Margate Road. There is no safeguarded north-south connection between the A254 and A256 shown on the Policies Map even though the Draft Transport Strategy retains this route as part of the Westwood Relief Strategy. Consequently, our client is confused with the nature of the proposals affecting them and whether it is the Council's intention to safeguard two routes through their land, or only the single route illustrated on the Policies Map.

Notwithstanding this discrepancy, our client strongly objects to both proposals (whether insinuated or explicitly shown on the Policies Map) for strategic routes (i.e. roads) through their site. The nature of their objection is expanded upon below:

Lack of 'Viability' Evidence and Testing of Alternative Options to Support the Proposed Safeguarding of the Routes

The draft Local Plan advises (at paragraph 6.25) that the routes safeguarded for future road schemes and junction improvements are Identified as 'critical schemes' within the draft Infrastructure Delivery Plan (July 2018) ('IDP'). However, the draft 'IDP' is vague in relation to the nature of infrastructure required for the 'Westwood Relief Strategy', with the only reference in the document being to "*provide link road between A256 Westwood Road and A254 Margate Road and extension of Millennium Way to A254 Margate Road/new link road*", noting that the 'estimated cost of funding' and 'phasing' is "*to be determined*" and that the scheme will be brought forward through "*external funding*". Therefore, contrary to the comment in the draft Local Plan, the IDP does not provide guidance or evidence as to the alignment of the route, nor does it indicate whether alternative options have been tested. Without this evidence, it is impossible for the Local Plan to consider the full extent of these changes to the local and strategic highway network.

Furthermore, contrary to the Draft Transport Strategy's comment that "*alternative links explored if necessary*" (Para 9.4.5), there is no evidence within the background documents that Thanet District Council (or Kent County Council) have tested alternative options/routes for the Westwood Relief Strategy, or whether the viability of the proposed routes through the JV site have been properly assessed in financial and deliverability terms.

In this regard, it is noted that Kent County Council prepared a more detailed plan showing the alignment of the north/south route (connecting the A254 to the A256 – partly using the Tesco internal road, between the car parking and petrol station), which was due to be presented to the KCC's 15th June 2017 Environment and Transport Cabinet Committee. However, this item was withdrawn from the Committee and we can find no record of it being taken back before the Committee at a later

date. There is also no record of a detailed design of the east/west route (extending Millennium Way) being presented to KCC's Transport Committee.

Whilst the draft Thanet District Transport Strategy 2015–2031 (July 2018) also makes reference to the two routes through the JV site (estimating that the cost of the works are £8 million - funded through external funding), this document also lacks the detail (and rigorous testing and inclusion of alternative options) needed to justify the safeguarding of third-party land in compliance with the requirements of good plan-making.

We therefore contend that without sufficient evidence (including the testing of alternative options), and through the inclusion of policies which are neither viable nor deliverable (due to the need for third party land), the draft Local Plan is unsound. The draft Local Plan is also contrary to the requirements of the 2018 NPPF (Para 16), which requires Local Plans to “*contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” and that plans should be “*aspirational but deliverable*”.

Lack of Clarity with Traffic Modelling Evidence

The evidence base presented in support of the draft Local Plan does not appear to be sufficiently robust in relation to traffic modelling at a local level.

Firstly, it is noted that SATURN was utilised in modelling the strategic impact of the Local Plan. With regard to the model produced by Amey, they identified that the strategic model not only had “*limited level of coding and zoning*” for the Westwood shopping / employment area, but also that the “*model was to provide traffic information for individual junction assessments in the area of interest, using specific junction modelling software (e.g. Arcady, Picady, Linsig etc.)*”.

We are unsure what is meant by “*limited level of coding and zoning*” in Westwood, but the phrase appears to cast doubt on whether the model provides an accurate or appropriate base from which to test the potential impact on the area.

In summary, our client is concerned that there is a lack of robust testing of the evidence which has led to the identification of the safeguarded route(s) through their site, making the draft Local Plan unsound.

Impact on Future Investment and Development Proposals on the JV Site

The owners of the JV site have aspirations to further develop the site. The grassed land on which the proposed east/west safeguarding route is proposed, forms a key element of their redevelopment plans, together with other development sites in the west and north of the JV site.

In this regard it is of note that the JV site owners secured planning permission (in 2009) for a 2,842 sq. m extension to the Tesco store, together with improvements to the site (including the provision of an enhanced pedestrian cycle path). Whilst this development was never completed, it illustrates the scale of floorspace that can be achieved on the land located between the foodstore and Broadstairs Retail Park. The other parcels of undeveloped land on the site (which are likely to be blighted by the north/south route) would also be capable of accommodating development (e.g. restaurants and/or retail units) and, in this regard, the JV owners are actively in discussion with a number of parties who are interested in developing commercial schemes.

The JV owner's aspirations to improve the value of their land, whilst bringing new jobs and services to the Westwood Cross Centre, will be significantly harmed were the proposed routes through the JV site to be brought forward. The JV partners development aspirations (which are expected to be compliant with the Council's policies for the area) are a material consideration in valuing the site, and any attempt to acquire the land needed for the routes (through whatever mechanism) will need to have regard to the impact on both the actual and potential value of the land.

Impact on Operation of Tesco Store/Petrol Filling Station

Both the safeguarded extension to Millennium Way and the north/south route will have a significant impact on the operation of the JV site, particularly affecting the Tesco demise. In this regard, the introduction of new roads across the site will result in a significant reduction in car parking (described in further detail below); affect access into the site; harm the flow of movement through the site; displace the 'click and collect' facility; and sever the connectivity between the petrol filling station (PFS) and foodstore.

In relation to this latter point, Tesco's transaction data shows that circa 50% of customers visiting the store also visit the PFS. The introduction of a road between the foodstore and PFS will sever this connectivity, resulting in lost trade for both elements of Tesco's business. In addition, products sold in the PFS kiosk are delivered from the Tesco store. It would not be feasible for these deliveries (which are made using hand pushed trolleys) to have to cross a main road to access the PFS.

Accordingly, from an operational and commercial point of view, it would be totally unacceptable for the Tesco PFS to be severed from the rest of the Tesco site by a new road. Accordingly, the JV site owner strongly objects to this element of the proposed strategic route.

Loss of Car Parking

It is estimated that the proposed east/west route through the site (i.e. the extension to Millennium Way) will result in the loss of at least 100 car parking spaces from the Tesco site were the link road to be constructed across the JV site. Furthermore, were a

north/south route to be introduced, we estimate that at least another 60 spaces would be lost. The loss of such spaces would significantly prejudice parking provision on the site, to the detriment of the performance of the retail outlets.

The effects of the potential loss of parking on the site are illustrated in the following table:

	Tesco Demise	Broadstairs Retail Park Demise
Existing Car Parking Provision	644	453
Parking Provision After East/West Link Road (assuming 100 lost spaces)	544	453
Parking Provision After North/South Link Road (assuming 60 lost spaces)	484	453
Existing Car Parking Ratio	1 per 21 sq. m	1 per 28 sq. m
Parking Ratio After East/West Link Road (assuming 100 lost spaces)	1 per 24.8 sq. m	1 per 28 sq. m
Parking Ratio After East/West & North/South Link Roads (assuming 160 lost spaces)	1 per 27.9 sq. m	1 per 28 sq. m
<i>Reduced Thanet Parking Standards (for Westwood Cross)</i>	<i>1 per 15.4 sq. m</i>	<i>1 per 27.5 sq. m</i>

The above table illustrates that the east/west link road alone is likely to reduce the foodstore car park to a ratio of 1 space per 24.8 sq. m, with this ratio falling to 1:27.9 sq. m in the event that both routes are introduced in to the JV site (which is significantly below the 1:15.4 sq. m parking standard which the Council is looking to encourage in Westwood Cross). Such a significant under-provision of car parking will harm the performance of the Tesco store (and retail park), leading to congestion within the site (as customers search for spaces), as well as causing congestion in surrounding car parks (and on the road network) as foodstore customers look for parking spaces in nearby car parks. This will lead to further vehicle miles and impact on air quality and therefore undermines the aim behind the need to relieve traffic in the Westwood area.

Impact on Access

The proposed link road would detrimentally affect the access/egress into both parts of the JV site.

Impact on Linked Trips

Retailers within the JV site currently benefit from linked trips. Such linkage is most obvious between the stores in the Broadstairs Retail Park and the Tesco store. In essence shoppers are currently able to park and then visit both parts of the JV site without the need to drive between them.

This opportunity for linked trips would be severed by the proposed link roads, which would create physical and psychological barriers for pedestrians (and cyclists) between the existing retail park and Tesco store, as well as between the Tesco store and PFS. Consequently, there would be less opportunity for movement between various facilities within the JV site, and the introduction of pedestrian crossing points would have the effect of congesting traffic flow along the new link roads.

In summary, the proposed routes will create congestion and additional (unnecessary) vehicle trips, as shoppers are forced to drive between the different parts of the JV site. Such congestion (and impact on air quality) would undermine the aim behind the proposed linked roads.

Impact on Highway, Cyclist and Pedestrian Safety

Draft Local Plan Para 2.14 seeks to ensure the safe movement by pedestrians and cyclists within the Westwood Cross commercial area, with Para 2.19 recognising that *“the area currently suffers from poor connectivity between sites, both vehicular and pedestrian”*. Given these comments, it is surprising that Policy SP47 seeks to introduce new roads into the area which will further fragment the nature of the wider Westwood Cross area, and which will create physical barriers for pedestrians and cyclists between the existing Broadstairs Retail Park and Tesco store, as well as between the wider JV site and other parts of Westwood. This conflict in the Local Plan's approach makes the document unsound.

JV Site Owners Recommendation

The Draft Local Plan's inclusion of the safeguarded strategic routes across the land owned by the JV partners is unsound for the following reasons:

- There are discrepancies between the various background documents and the Local Plan as to how many strategic routes are being safeguarded across the JV site (i.e. is it just the east/west extension to Millennium Way shown in the policies maps, or does the safeguarding include a north/south route between the A254 and A256);
- The proposed alignment of the routes is not backed up by the supporting evidence base, and has not been subject to rigorous scrutiny and testing of alternative options (a key requirement of plan making);
- The safeguarded strategic routes are not deliverable since the land is not available for the routes and the proposed cost of the works (identified as £8 million in the draft Transport Strategy) significantly under-estimates the cost of the scheme due to the impact on third party land (in terms of both the existing and potential value of this land);
- The safeguarding of the strategic routes blights a number of commercial operations (including by severing the opportunity for linked trips, through lost car parking and blighted access/egress arrangements) and would prevent the

JV site owners from enhancing their asset value (through the development of undeveloped parts of the site);

- The proposal would encourage increased vehicular movements as customers would chose to drive between the retail park, foodstore and PFS (as well as other parts of the Westwood area), creating congestion and harming air quality, thereby defeating the aim of the relief road.

Notwithstanding, the JV partners are prepared to work with Thanet Council/KCC and adjoining land owners to help devise alternative routes which relieve the traffic congestion within Westwood, but which do not result in the loss of land (or impact) on the JV site.

Policy SP47 (and the safeguarded route included in the Policies Map) should be amended to remove Criterion 12 ("*Land between A254 Margate Road and A256 Westwood Road (including Millennium Way), Broadstairs*") since these strategic routes are undeliverable and their inclusion in the draft Local Plan makes the document unsound and fails to comply with the requirements of good plan-making (due to the lack of rigorous testing, including of alternative options, needed to support the safeguarding of third-party land) set out in the 2018 NPPF (Para 16) (formerly Para 154 of the 2012 NPPF).

Representations on Draft Transport Strategy (July 2018)

In addition to the above comments, the JV partners object to the draft Transport Strategy given its inclusion of the two routes across the JV site. The inclusion of these routes makes the document unsound for the reasons described above. In addition, as KCC have already been made aware (on more than one occasion) the JV site owners are not prepared to allow the proposed routes across their land and are concerned with the disruption that the routes would cause to the operation of the site and for the businesses which trade from within it.

We trust the Council and appointed Inspector have regard to these comments and objections and confirm our client's wish to appear at the Examination in Public to expand on their case.

Yours faithfully



Justin Mills

Director

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View Comment

Comment Information

Document Section Draft Thanet Local Plan - 2031 - Pre-Sub... > Strategic Routes
> SP47

Comment ID 830

Respondent [Lorna Quashie - Pavilion Prope...](#)

Agent [Justin Mills - Contour Plannin...](#)

Response Date 04 Oct 2018

Response Type OBJECT

What is the nature of this representation? Object

Comment The 'safeguarded' Strategic Route referred to in Policy SP47 (Criterion 12. "Land between A254 Margate Road and A256 Westwood Road (including Millennium Way)", Broadstairs (and also identified (in part) on the draft Policies Map) is located across an existing commercial site, owned in a Joint Venture by 'Pavilion Property Trustees as Trustee of the Broadstairs Unit Trust' (the 'JV site').

The JV site comprises an existing Tesco foodstore (13,523 sq. m gross), together with Broadstairs Retail Park (currently occupied by Dreams, Laura Ashley, Currys PC World, The Range and Wickes), which has a gross floorspace of 12,838 sq. m. The wider site also includes a Tesco petrol filling station, Tesco 'click and collect' facility, various retail concessions (within the Tesco demise) and several 'development sites' (the largest of which is a grassed area located between the foodstore and retail park). The retail park and foodstore share the same access (from Margate Road) and are both served by a shared car park providing 1097 car parking spaces.

Prior to outlining our client's objection to Policy SP47 (and the 'safeguarded' route shown on the Policies Map) we are concerned with the confused nature that the Draft Local Plan has in relation to our client's site. In this regard there is a clear discrepancy between the wording of the Draft Local Plan (Policy SP47) and the draft Local Plan Policies Map. The wording of Policy SP47 (criterion 12), suggests two strategic routes (i.e. the link between the A254 and A256 and the Millennium Way route – as referred to in the Draft

Transport Strategy, Draft Infrastructure Delivery Plan and several of the evidence base documents). However, the Policies Map only identifies the safeguarded route as an east/west route in the form of a connection between Millennium Way to Margate Road. There is no safeguarded north-south connection between the A254 and A256 shown on the Policies Map even though the Draft Transport Strategy retains this route as part of the Westwood Relief Strategy. Consequently, our client is confused with the nature of the proposals affecting them and whether it is the Council's intention to safeguard two routes through their land, or only the single route illustrated on the Policies Map.

Notwithstanding this discrepancy, our client strongly objects to both proposals (whether insinuated or explicitly shown on the Policies Map) for strategic routes (i.e. roads) through their site. The nature of their objection is expanded upon below:

Lack of 'Viability' Evidence and Testing of Alternative Options to Support the Proposed Safeguarding of the Routes

The draft Local Plan advises (at paragraph 6.25) that the routes safeguarded for future road schemes and junction improvements are Identified as 'critical schemes' within the draft Infrastructure Delivery Plan (July 2018) ('IDP'). However, the draft 'IDP' is vague in relation to the nature of infrastructure required for the 'Westwood Relief Strategy', with the only reference in the document being to "*provide link road between A256 Westwood Road and A254 Margate Road and extension of Millennium Way to A254 Margate Road/new link road*", noting that the 'estimated cost of funding' and 'phasing' is "*to be determined*" and that the scheme will be brought forward through "*external funding*". Therefore, contrary to the comment in the draft Local Plan, the IDP does not provide guidance or evidence as to the alignment of the route, nor does it indicate whether alternative options have been tested. Without this evidence, it is impossible for the Local Plan to consider the full extent of these changes to the local and strategic highway network.

Furthermore, contrary to the Draft Transport Strategy's comment that "*alternative links explored if necessary*" (Para 9.4.5), there is no evidence within the background documents that Thanet District Council (or Kent County Council) have tested alternative options/routes for the Westwood Relief Strategy, or whether the viability of the proposed routes through the JV site have been properly assessed in financial and deliverability terms.

In this regard, it is noted that Kent County Council prepared a more detailed plan showing the alignment of the north/south route (connecting the A254 to the A256 – partly using the Tesco internal road, between the car parking and petrol station), which was due to be presented to the KCC's 15th June 2017 Environment and Transport Cabinet Committee. However, this item was withdrawn from the Committee and we can find no record of it being taken back before the Committee at a later date. There is also no record of a detailed design of the east/west route (extending Millennium Way) being presented to KCC's Transport Committee.

Whilst the draft Thanet District Transport Strategy 2015–2031 (July 2018) also makes reference to the two routes through the JV site (estimating that the cost of the works are £8 million - funded through external funding), this document also lacks the detail (and rigorous testing and inclusion of alternative options) needed to justify the safeguarding of third-party land in compliance with the requirements of good plan-making.

We therefore contend that without sufficient evidence (including the testing of alternative options), and through the inclusion of policies which are neither viable nor deliverable (due to the need for third party land), the draft Local Plan is unsound. The draft Local Plan is also contrary to the requirements of the 2018 NPPF (Para 16 - which replaces Para 154 of the 2012 NPPF), which requires Local Plans to “*contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” and that plans should be “*aspirational but deliverable*”.

Lack of Clarity with Traffic Modelling Evidence

The evidence base presented in support of the draft Local Plan does not appear to be sufficiently robust in relation to traffic modelling at a local level.

Firstly, it is noted that SATURN was utilised in modelling the strategic impact of the Local Plan. With regard to the model produced by Amey, they identified that the strategic model not only had “*limited level of coding and zoning*” for the Westwood shopping / employment area, but also that the “*model was to provide traffic information for individual junction assessments in the area of interest, using specific junction modelling software (e.g. Arcady, Picady, Linsig etc.)*”.

We are unsure what is meant by “*limited level of coding and zoning*” in Westwood, but the phrase appears to cast doubt on whether the model provides an accurate or appropriate base from which to test the potential impact on the area.

In summary, our client is concerned that there is a lack of robust testing of the evidence which has led to the identification of the safeguarded route(s) through their site, making the draft Local Plan unsound.

Impact on Future Investment and Development Proposals on the JV Site

The owners of the JV site have aspirations to further develop the site. The grassed land on which the proposed east/west safeguarding route is proposed, forms a key element of their redevelopment plans, together with other development sites in the west and north of the JV site.

In this regard it is of note that the JV site owners secured planning permission (in 2009) for a 2,842 sq. m extension to the Tesco store, together with improvements to the site (including the provision of an enhanced pedestrian cycle path). Whilst this development was never completed, it illustrates the scale of floorspace that can be achieved on the land located between the foodstore and Broadstairs Retail Park. The other parcels of undeveloped land on the site (which are likely to be blighted by the north/south route) would also be capable of accommodating development (e.g. restaurants and/or retail units) and, in this regard, the JV owners are actively in discussion with a number of parties who are interested in developing commercial schemes.

The JV owner’s aspirations to improve the value of their land, whilst bringing new jobs and services to the Westwood Cross Centre, will be significantly harmed were the proposed routes through the JV site to be brought forward. The JV partners development aspirations (which are expected to be compliant with the Council’s policies for the area) are a material consideration in valuing the site, and any attempt to acquire the land needed for the routes (through whatever mechanism) will need to have regard to the impact on both the actual and potential value of the land.

Impact on Operation of Tesco Store/Petrol Filling Station

Both the safeguarded extension to Millennium Way and the north/south route will have a significant impact on the operation of the JV site, particularly affecting the Tesco demise. In this regard, the introduction of new roads across the site will result in a significant reduction in car parking (described in further detail below); affect access into the site; harm the flow of movement through the site; displace the 'click and collect' facility; and sever the connectivity between the petrol filling station (PFS) and foodstore.

In relation to this latter point, Tesco's transaction data shows that circa 50% of customers visiting the store also visit the PFS. The introduction of a road between the foodstore and PFS will sever this connectivity, resulting in lost trade for both elements of Tesco's business. In addition, products sold in the PFS kiosk are delivered from the Tesco store. It would not be feasible for these deliveries (which are made using hand pushed trolleys) to have to cross a main road to access the PFS.

Accordingly, from an operational and commercial point of view, it would be totally unacceptable for the Tesco PFS to be severed from the rest of the Tesco site by a new road. Accordingly, the JV site owner strongly objects to this element of the proposed strategic route.

Loss of Car Parking

It is estimated that the proposed east/west route through the site (i.e. the extension to Millennium Way) will result in the loss of at least 100 car parking spaces from the Tesco site were the link road to be constructed across the JV site. Furthermore, were a north/south route to be introduced, we estimate that at least another 60 spaces would be lost. The loss of such spaces would significantly prejudice parking provision on the site, to the detriment of the performance of the retail outlets.

The effects of the potential loss of parking on the site are illustrated in the following table:

	Tesco Demise	Broadstairs Retail Park Demise
Existing Car Parking Provision	644	453

Parking Provision After East/544 West Link Road (assuming 100 lost spaces)		453
Parking Provision After North/South Link Road (assuming 60 lost spaces)	484	453
Existing Car Parking Ratio	1 per 21 sq. m	1 per 28 sq. m
Parking Ratio After East/ West Link Road (assuming 100 lost spaces)	1 per 24.8 sq. m	1 per 28 sq. m
Parking Ratio After East/ West & North/South Link Roads (assuming 160 lost spaces)	1 per 27.9 sq. m	1 per 28 sq. m
<i>Reduced Thanet Parking Standards (for Westwood Cross)</i>	<i>1 per 15.4 sq. m</i>	<i>1 per 27.5 sq. m</i>

The above table illustrates that the east/west link road alone is likely to reduce the foodstore car park to a ratio of 1 space per 24.8 sq. m, with this ratio falling to 1:27.9 sq. m in the event that both routes are introduced in to the JV site (which is significantly below the 1:15.4 sq. m parking standard which the Council is looking to encourage in Westwood Cross). Such a significant under-provision of car parking will harm the performance of the Tesco store (and retail park), leading to congestion within the site (as customers search for spaces), as well as causing congestion in surrounding car parks (and on the road network) as foodstore customers look for parking spaces in nearby car parks. This will lead to further vehicle miles and impact on air quality and therefore undermines the aim behind the need to relieve traffic in the Westwood area.

Impact on Access

The proposed link road would detrimentally affect the access/egress into both parts of the JV site.

Impact on Linked Trips

Retailers within the JV site currently benefit from linked trips. Such linkage is most obvious between the stores in the Broadstairs Retail

Park and the Tesco store. In essence shoppers are currently able to park and then visit both parts of the JV site without the need to drive between them.

This opportunity for linked trips would be severed by the proposed link roads, which would create physical and psychological barriers for pedestrians (and cyclists) between the existing retail park and Tesco store, as well as between the Tesco store and PFS. Consequently, there would be less opportunity for movement between various facilities within the JV site, and the introduction of pedestrian crossing points would have the effect of congesting traffic flow along the new link roads.

In summary, the proposed routes will create congestion and additional (unnecessary) vehicle trips, as shoppers are forced to drive between the different parts of the JV site. Such congestion (and impact on air quality) would undermine the aim behind the proposed linked roads.

Impact on Highway, Cyclist and Pedestrian Safety

Draft Local Plan Para 2.14 seeks to ensure the safe movement by pedestrians and cyclists within the Westwood Cross commercial area, with Para 2.19 recognising that *“the area currently suffers from poor connectivity between sites, both vehicular and pedestrian”*. Given these comments, it is surprising that Policy SP47 seeks to introduce new roads into the area which will further fragment the nature of the wider Westwood Cross area, and which will create physical barriers for pedestrians and cyclists between the existing Broadstairs Retail Park and Tesco store, as well as between the wider JV site and other parts of Westwood. This conflict in the Local Plan’s approach makes the document unsound.

Summary of JV Site Owners Objection

The Draft Local Plan’s inclusion of the safeguarded strategic routes across the land owned by the JV partners is unsound for the following reasons:

- ▶ There are discrepancies between the various background documents and the Local Plan as to how many strategic routes are being safeguarded across the JV site (i.e. is it just the east/west extension to Millennium Way shown in the policies maps, or does the safeguarding include a north/south route between the A254 and A256);

- ▶ The proposed alignment of the routes is not backed up by the supporting evidence base, and has not been subject to rigorous scrutiny and testing of alternative options (a key requirement of plan making);
- ▶ The safeguarded strategic routes are not deliverable since the land is not available for the routes and the proposed cost of the works (identified as £8 million in the draft Transport Strategy) significantly under-estimates the cost of the scheme due to the impact on third party land (in terms of both the existing and potential value of this land);
- ▶ The safeguarding of the strategic routes blights a number of commercial operations (including by severing the opportunity for linked trips, through lost car parking and blighted access/ egress arrangements) and would prevent the JV site owners from enhancing their asset value (through the development of undeveloped parts of the site);
- ▶ The proposal would encourage increased vehicular movements as customers would chose to drive between the retail park, foodstore and PFS (as well as other parts of the Westwood area), creating congestion and harming air quality, thereby defeating the aim of the relief road.

Notwithstanding, the JV partners are prepared to work with Thanet Council/KCC and adjoining land owners to help devise alternative routes which relieve the traffic congestion within Westwood, but which do not result in the loss of land (or impact) on the JV site.

(The above comments and objections are set out in the attached letter of objection, which also includes our client's objection to the Draft Transport Strategy).

Do you consider the document is Sound? No

If no, Do you consider it is unsound because it is: Not Positively Prepared, Not Justified, Not Effective, Not Consistent with national policy

What changes do you suggest to make the document legally compliant or sound? Policy SP47 (and the safeguarded route included in the Policies Map) should be amended to remove Criterion 12 ("Land between A254 Margate Road and A256 Westwood Road (including Millennium Way), Broadstairs") since these strategic routes are

undeliverable and their inclusion in the draft Local Plan makes the document unsound and fails to comply with the requirements of good plan-making (due to the lack of rigorous testing, including of alternative options, needed to support the safeguarding of third-party land) set out in the 2018 NPPF (Para 16) (formerly Para 154 of the 2012 NPPF).

Do you consider it necessary to participate at the oral part of the examination?

Yes

Attachments  [L001jm \(Thanet Draft Local Plan Reps\).pdf](#) (178 KB)

Officer's Response Not yet available.

Proposed Change

Notes