

Summary

Proof of Evidence

of

David Roberts I.Eng, FIHE, FCIHT

On Behalf of Maidstone Borough Council

Dealing with Highway and Transport Matters

Proposed Residential Development on Land at Moat Road, Headcorn

Appeal Ref: APP/U2235/W/24/3351435

Our Ref: DR/240997/S

JANUARY 2025



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SUMMARY AND CONCLUSIONS

- 1 My evidence deals with the highway, traffic and transport issues arising from the proposals to provide a development of up to 115 dwellings on land north of Moat Road, Headcorn, in Kent.
- 2 The starting point for my evidence is that Maidstone Borough Council refused planning permission for the development on a number of grounds, one of which related to access matters; specifically that:
 - there has not been a demonstration of safe pedestrian and cycle access during a major flood event when the main access onto Moat Road is unavailable; and
 - there has not been a demonstration of safe cycle access to the A274 via the Moat Road access.
- 3 In policy terms, active travel modes are of key importance in providing sustainable development and moving to a low carbon economy, as emphasised by the now updated National Planning Policy Framework, Active Travel England, and Maidstone Borough Council policies in the Local Plan.
- 4 More than providing routes to places, the policy aims are to achieve modal shift by changing the mindset of people, by making sustainable travel attractive, safe and convenient for people of all abilities.
- 5 In assessing the reasons for refusal of planning permission, my evidence has demonstrated that whilst there is a pedestrian, cycle and emergency vehicle access proposed to link the north east corner of the site to the A274, this is far from attractive, safe and convenient for all users. Furthermore, my evidence has demonstrated that there is no attractive or safe cycling provision, for all abilities, linking the site access on Moat Road, to the A274. My reasons for reaching these conclusions are summarised below.
- 6 The first part of the reason for refusal deals with the link from the north east corner of the site to the A274, which utilises a right of access along an existing track. The right of access does not convey any rights to change the width, surface condition of the

- route, or add lighting; only the right to use it to access land. The maximum width of the track varies from 4.3m at its widest to 2.1m at its narrowest.
- 7 The inability to improve the right of way is critical to the consideration of its suitability to be used at any time, since it is highly susceptible to changing weather and seasonal conditions. There is evidence at different times of the year of it being grassed with worn wheel tracks, muddy with rain puddles, and somewhat overgrown verges and hedgerows that further narrow the width. To add to these problems, there is no street lighting along it, typically some cars parked along it, and no natural surveillance along the route.
- 8 In my view, the right of way can be readily concluded to be unattractive, unsafe and unusable by most user groups. Specifically, it does not provide any meaningful access solution for those in wheelchairs, or with prams, due to the uneven surface, at a time when Moat Road may be blocked by a flooding event.
- 9 In addition to the problems faced by pedestrians, cyclists and other wheeled transport, due to the conditions described above, it should be remembered that this route is a requirement to provide vehicular access to the site in the event of a flood event blocking the Moat Road access. The difficulties would be compounded by meeting vehicles along the shared track, with the narrow width and potentially wet and overgrown verges and hedges.
- 10 For an emergency vehicle, or other commercial vehicle access, a width of 4.8m is required to pass a car, which could be parked or moving along the access track. This width is not available at any point along the track, and effectively a parked car would prevent access by a fire service vehicle. Furthermore, the Building Regulations relating to Fire Safety, specify that the minimum width of an access simply to reach the scene of an emergency is 3.1m, at gateways, although Manual for Streets suggests that 2.75m can be acceptable. With a minimum width of 2.1m, the right of way cannot function as a route for emergency vehicles, which adds to the safety concerns relating to the access track.
- 11 Overall, the right of way falls far short of being an attractive, safe and convenient means of access to the site at any time, and does not provide a suitable alternative means of access to the site in the event of a flood, or other event, blocking the main site access on Moat Road.

- 12 The second part of the reason for refusal deals with the safety for cyclists travelling between the Moat Road site access and the A274. There are no improvements proposed on Moat Road for cyclists, and the speed of vehicles travelling along Moat Road are 43.1mph and 44.8mph, for eastbound and westbound vehicles respectively, on the western side of the site access where the speed limit is derestricted, and to the east of the bridge in the 30mph speed limit, speeds of 34.3mph and 34.2mph for eastbound and westbound traffic respectively.
- 13 Guidance on Cycle Infrastructure Design (LTN 1/20) sets out that, even with traffic speeds of up to 30mph, which is not the case on Moat Road, a protected space/lane for cyclists is required for provision suitable for most people. An advisory cycle lane will exclude some potential users, and mixing with traffic will exclude most potential cyclists or lead to safety concerns. With speeds above 30mph, no mixing of cycles and vehicles is supported as being safe. For clarity, the design guidance suggests that the 'suitable for most people' test could be based around the competency of a 12 year old undertaking independent travel.
- 14 To reiterate the policy requirements of achieving sustainable development, a change in mindset is required, to encourage a switch to active modes of travel, and support the change to a low carbon economy. To achieve this mindset change, we are required to make cycling safe, attractive and convenient. With high traffic speeds, a relatively narrow carriageway, and no identified measures to protect cyclists along Moat Road, the proposals do not comply with the policy requirements and do not fulfil the national or local policy aims.
- 15 Overall, the proposals do not bring the site forward in a sustainable manner, from a transport point of view, and will not achieve the goals of achieving modal shift by promoting safe, attractive and convenient access to the surrounding area, for all users and of all abilities.
- 16 For the reasons set out, I firmly believe that the appeal should be dismissed.