

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/F

JANUARY 2025



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Maidstone Borough Council
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1 QUALIFICATIONS AND EXPERIENCE OF DAVID ROBERTS I.ENG, FIHE, FCIHT

- 1.1 I am the Managing Director of SCP, Transport Planners and Infrastructure Designers, with offices in Manchester, Leeds, Edinburgh and Bristol.
- 1.2 I am an Incorporated Engineer of the Engineering Council, a Fellow of the Institute of Highway Engineers, and a Fellow of the Chartered Institution of Highways and Transportation.
- 1.3 I have over 40 years of experience of the highway, traffic and transport aspects of all types of development proposals and have advised many companies and local government authorities in that capacity.
- 1.4 I was first instructed in connection with this proposal in October 2024, and have carried out investigations and site observations in preparing my evidence.
- 1.5 I confirm that the opinions expressed in this Evidence are my true and professional opinions and have been prepared in accordance with the CIHT Code of Conduct.

2 INTRODUCTION

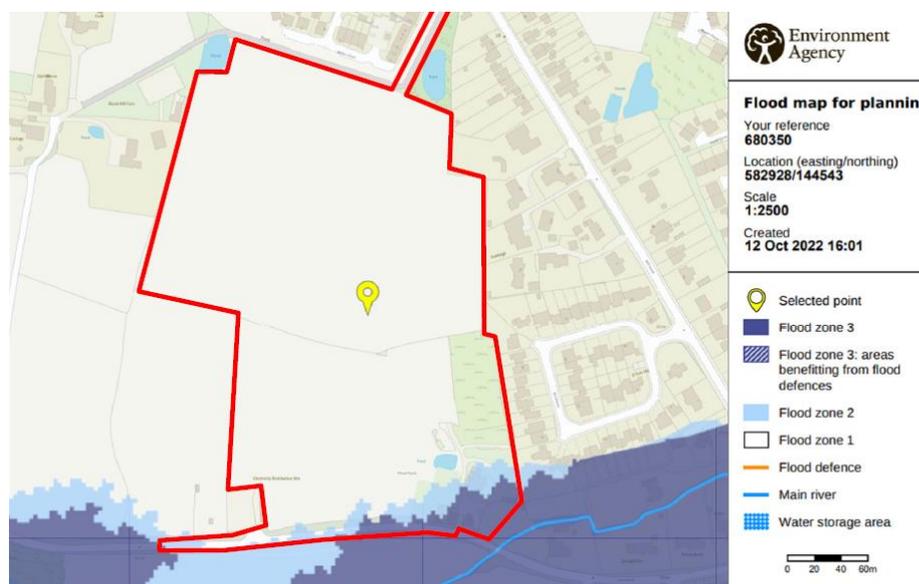
- 2.1 I am instructed in this matter by Maidstone Borough Council (MBC) to provide highway, traffic and transport advice in connection with the proposals to construct up to 115 dwellings on land north of Moat Road, Headcorn, Kent.
- 2.2 My evidence should be read in conjunction with the Statement of Common Ground relating to highway matters, which sets out the matters agreed and not agreed at the time of preparing this evidence.
- 2.3 The application was supported by a Transport Assessment dated 25th September 2023. With the exception of the matters referred to in the reason for refusal, relating to the pedestrian and cycle provision and the related highway safety impacts, there is no dispute with other information contained within the Transport Assessment, such as development related trip rates, existing traffic flows and speeds and junction capacity assessments.
- 2.4 The Highway Authority, Kent County Council (KCC) assessed the TA and initially requested more information relating to pedestrian impacts on the A274/Moat Road crossroads and the emergency access route along a right of way to the north of the site. They accepted a 1.5-2.0m footway linking the site to the existing footway further east along Moat Road and a best endeavours requirement to extend the 30mph speed limit along Moat Road to include the site frontage.
- 2.5 Following the submission of a further Technical Note dealing with the pedestrian facilities at the crossroads and a swept path assessment of the emergency access route, KCC raised no objections to the proposals, subject to the imposition of conditions.
- 2.6 Notwithstanding the views of the Highway Authority, MBC refused planning permission, using the delegated authority of the officers, on 29th April 2024 for 6 reasons, including a reason relating to Highway and Transport matters. The reasons were subsequently revised down to 5 matters, although this did not change the Highway and Transport reason.
- 2.7 The Highway and Transport reason for refusal is that:

There has not been a demonstration of safe pedestrian and cycle access when vehicles will use the Secondary Access route to the A274 during major flood

events. There has not been demonstration of safe cyclist access to the A274 via the alterations to Moat Road. This would be contrary to the aims of sustainable development by securing good walking, wheeling and cycling infrastructure as set out in the NPPF paragraphs 108(c), 110(d), 114(a)(b), 116(a)(c), the objectives of Active Travel England, and policies LPRSP12 (part 3(b)(e)(k)), LPRSP15 (parts 1 and 11), and LPRSA310 (parts 18 and 20) of the Maidstone Borough Local Plan Review 2024.

(Note that the NPPF paragraph references in the reason for refusal have been superseded by the December 2024 revision).

- 2.8 My evidence will address this reason for refusal and demonstrate that the proposals are not compliant with both local and national policies that seek to prioritise the needs of pedestrians and cyclists and achieve sustainable development for both today and for the future.
- 2.9 Specifically, my evidence will demonstrate that the pedestrian and cycle access proposed to Mill Bank (A274) is not a safe or suitable route in the event of a flood situation, whereby the access to Moat Road is unavailable. The Flood Map below from the Flood Risk Assessment (CD 1.20) indicates the severe flood risk both east and west along Moat Road in the vicinity of the appeal site and thus the essential requirement for a safe and suitable alternative route in the event of a flood:



- 2.10 The width of the route, the quality of the surfacing, and the absence of any lighting, all individually, and in combination, fail to provide an acceptable solution for a

combined pedestrian, cycle, and vehicle access in the event of the main access becoming blocked by a flood, or other event.

- 2.11 My evidence will further demonstrate that the route from the site access on Moat Road, to the A274, is not safe for cyclists, and will not satisfy the local and national policies that require encouragement for active travel modes, in a hierarchy above car use, to local services and facilities. The speed of vehicles, the width of the highway and the absence of any cycle/vehicle segregation, in combination with the absence of street lighting, lead to an unsafe, and correspondingly unacceptable, situation.
- 2.12 Overall, it will be demonstrated that the proposals fail to promote or encourage sustainable travel, and for those who choose to use active travel modes, there is a severe risk to their safety. On this basis, the test of the site being safely and conveniently accessed by all users is not met, and planning permission should not be granted.

3 POLICY AND GUIDANCE CONTEXT

National Planning Policy Framework

- 3.1 Since the appeal was lodged, there has been an updated NPPF released by the Ministry of Housing, Communities & Local Government (CD 10.1). In transport terms, the new NPPF does not materially change the assessment methodology for development proposals and the general thrust of Government Policy remains that planning applications be determined in accordance with the development plan, which in turn should support developments being brought forward in a sustainable manner. Paragraph 11 states that 'Plans and decisions should apply a presumption in favour of sustainable development'.
- 3.2 In describing sustainable development, the Framework sets out, at paragraph 8, three overarching objectives that should play an active role in guiding development towards sustainable solutions, taking account of local circumstances. In Transport terms these include:
- a) **an economic objective** – including identifying and coordinating the provision of infrastructure needed to support development;
 - b) **a social objective** – including well-designed safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – including making effective use of land and mitigating and adapting to climate change, including moving to a low carbon economy.
- 3.3 Paragraph 109 sets out that transport proposals associated with new development should be vision-led. The vision should identify transport solutions that deliver well-designed, sustainable and popular places. Of relevance to this Inquiry, the transport solutions should involve:
- *ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;*

- *understanding and addressing the potential impacts of development on transport networks;*
- *identifying and pursuing opportunities to promote walking, cycling and public transport use;*
- *identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.*

3.4 Paragraph 110 states that '*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*'.

3.5 Paragraph 111 requires that Planning policies should seek to widen transport choice and provide for attractive and well-designed walking and cycling networks.

3.6 Paragraph 115 requires that in assessing applications for development, it should be ensured that:

- *sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- *safe and suitable access to the site can be achieved for all users;*
- *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

3.7 Paragraph 116 states that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*'.

3.8 Paragraph 117 adds context to para 116 and states that '*applications for development should:*

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles”*

3.9 Paragraph 118 requires that *‘all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored’.*

Active Travel England

- 3.10 Active Travel England was a statutory consultee on the application as the site is over 5ha in area. In their response they advised that their ‘Standing Advice’ should be considered as part of the assessment of the application. Their latest Standing Advice Note was issued in June 2024 (CD 15.2).
- 3.11 The ‘Active Travel Standing Advice Note: Active Travel and Sustainable Development’ at paragraph 1.4 sets out the Government’s ambition to be *‘a great walking and cycling nation, supporting a shift in the way people across England think about undertaking short journeys, with the aim for these trips to be seen as the most convenient, desirable and affordable way to travel’.*
- 3.12 Paragraphs 2.5 and 2.6 relate to pedestrian access to local amenities stating that *‘footpaths/ways to local amenities should conform to the National Design Guide’*

¹ National Design Guide - Planning practice guidance for beautiful, enduring and successful places by Ministry of Housing Communities & Local Government 2021 (CD 10.2)

standards of being safe, direct, convenient and accessible for people of all abilities, which includes but is not limited to routes that:

- *have a minimum width of 2m, with limited pinch points no less than 1.5m;*
- *are step-free;*
- *have a smooth, even surface;*
- *have seating at regular intervals;*
- *are uncluttered;*
- *have good natural surveillance and clear lines of sight;*
- *have street lighting;*
- *have wayfinding; and*
- *have crossing points suitable for the speed and traffic flow of the road(s)'.*

3.13 Paragraphs 2.7 and 2.8 relate to cycling accessibility. They state that *'off-site cycling infrastructure to a range of local amenities, railway stations, employment areas and the National Cycle Network as appropriate, should be coherent, direct, safe, comfortable and attractive in line with the five core design principles and geometric requirements in LTN 1/20' (see Sections 4.2 and 5). (CD15.3)*

3.14 *Development should not be reliant on shared use routes in full or intermittently as this conflicts with the government's clear position that cycles must be treated as vehicles and not as pedestrians; and where on-road provision would be utilised, there should be sufficient protection from motor traffic in accordance with the suitability and segregation standards in LTN 1/20 (see Figure 4.1 and Section 6)'.*

3.15 Paragraph 2.9 relates to access to public transport and expects that most buildings should be within 400m of a bus stop or within 800m of a train/tram stop. Pedestrian routes to public transport stops should conform to the requirements of Paragraph 2.6 of the Active Travel Advice Note.

3.16 Paragraph 2.10 requires that planning applications should *'set out a package of any necessary, directly related and proportionate off-site infrastructure that is to be delivered and/or funded. The application should also identify the mechanism to secure identified improvements and the trigger point(s) for delivery or payment'.*

Maidstone Local Plan Policies (CD 6.1)

- 3.17 Policy LPRSP12 relates to mitigating the impact of development to facilitate the delivery of the growth that is promoted by the Local Plan. Mitigation requirements of Section 3 of the policy are:
- (b) the delivery of modal shift through managing demand on the transport network through enhanced walking and cycling improvements;
 - (e) the improvement of transport choice and seeking to influence travel behaviour; and
 - (k) the promotion of inclusive access for all users on the transport network.
- 3.18 Policy LPRSP15 deals with the design of new development proposals.
- 3.19 Under criterion 1, it requires designs and layouts that are accessible to all, and to maintain and maximise opportunities for permeability and linkages to the surrounding area and local services. Criterion 11 requires the safe accommodation of movements generated by a proposal on the local highway network.
- 3.20 Policy LPRSA310 refers specifically to the allocation of the appeal site and sets out a number of conditions that are to be met before development is permitted. In relation to access, highways and transportation, and the associated reason for refusal, the conditions are set out to be:
- 18 Development will be subject to the provision of acceptable and safe off-site pedestrian and cycle connectivity along Moat Road to the A274. Any new footways shall be designed to ensure that there are no adverse or ecological impacts and maintain the rural character of Moat Road.
 - 20 Appropriate safe pedestrian access onto Maidstone Road will be required via the northern boundary of the site.
- 3.21 Other relevant policies within the Local Plan that are consistent with National Policies include LPRSP14(C) and LPRTRA2.
- 3.22 Policy LPRSP14(C) deals with Climate Change, and Criterion 6(a) requires that residential development encourages a shift towards sustainable travel through prioritising active travel by ensuring good provision and connectivity of walking and cycling routes.

- 3.23 Policy LPRTRA2 deals with assessing the transport impacts of development, and Criterion 2(e) requires that development proposals must provide priority for pedestrian and vulnerable road users through design throughout the development; whilst Criterion 2(f) requires suitable provision for safe active travel connectivity connecting the site to the local area.

Headcorn Parish Neighbourhood Plan: 2022-2038

- 3.24 The Headcorn Parish Council Neighbourhood Plan has reached the Regulation 16 Consultation stage, and is currently with the Examiner. This is an evolving document and its current limited weight is likely to have increased by the time of the Inquiry.
- 3.25 Policy 3 deals with 'Connectivity and access' and supports development that creates safe and well connected developments, promoting and enhancing links both to Headcorn High Street, public transport services and to the countryside that can be easily accessed by foot and cycle; where needed it should take advantage of opportunities to enhance road safety; avoids choosing access routes that will exacerbate existing key pinch points for traffic flows within the village; will not create safety concerns for other road users (including pedestrians and cyclists).

4 ASSESSMENT OF THE HIGHWAY AND TRANSPORT ISSUES

- 4.1 The key issues to be addressed by my evidence in this appeal relate to the off-site proposals that seek to make the development sustainable. National policy requires that major development should be focussed on locations which are, or can be made, sustainable.
- 4.2 At the present time, the site is not sustainable from a transport point of view, since there is no safe or attractive route for pedestrians, cyclists or public transport users to travel to and from the site.
- 4.3 To overcome this, the Appellant has proposed the following off-site measures:
- a) A footway of 1.5-2.0m width linking the site's pedestrian access to the existing footway on Moat Road.
 - b) Improvements to the pedestrian crossing facilities at the A274/Moat Road junction
 - c) Provision of a link between the site and Mill Bank (A274) via a right of way to the north east corner of the site
- 4.4 The provision of the additional link is a consequence of the Flood Risk Assessment (FRA). The FRA (CD 1.20) states that the Environment Agency records that Moat Road in the vicinity of the site flooded from fluvial sources in 1960 and 2013. It states that the lowest point in Moat Road to the east of the site is 18.85m OD and that the 1 in 100 year event plus 35% climate change is a level of 19.94m. This would equate to fluvial flood waters being up to approx. 1.09m high between the main site entrance and the village centre. Hence, it is essential that there is a satisfactory secondary vehicle/cyclist/pedestrian access, and emergency access during such events, as well as for generally achieving good permeability for cyclists and pedestrians to the surrounding area.
- 4.5 It is noted that local representations refer to more frequent flooding of Moat Road appearing to be waters from the School Stream and/or accumulated surface water run-off from higher land in the vicinity. Whilst not reaching the very high fluvial flood levels referred to above, this type of flooding could relatively frequently deter

pedestrians and cyclists from using Moat Road to access the village centre and the surrounding area.

- 4.6 The highway reason for refusal can be split into 2 subjects; Firstly, the suitability of the link between the site and Mill Bank to provide a safe and attractive route for pedestrians and cyclists, and whether it can reasonably function as an alternative route to the site in a flood situation. Secondly, the suitability of the route from the Moat Road access to the A274 to provide a safe and attractive route for cyclists.

Use of the Right of Way Between the Site and Mill Bank

- 4.7 The Transport Assessment (CD 1.33), at paragraph 4.2.13, confirms that the site has a right of access along the existing track. Importantly, a right of access does not convey any rights to change the width or surface condition of the route, or add lighting; only the right to use it to access land. On this basis, the existing width, surfacing and unlit condition of the right of way should be assessed for its suitability to serve the site.
- 4.8 My description of the right of way is that it is an uneven and largely unsurfaced track that is susceptible to changing weather and seasonal conditions. It can vary from being grassed, to muddy and overgrown. At all times, there is no street lighting and no natural surveillance. There is usually parking along the section related to the properties that take access from the track. Whilst it is not a public right of way, it provides a through link to Black Mill Lane. We are informed by the Transport Assessment (paragraph 4.2.15) that the used width of the track varies between 4.3m at its widest to 2.1m at its narrowest. The photos below show the above description pictorially:





Private access track in the vicinity of parked cars (October)



View along private access track from A274 towards the site (October)





- 4.9 In my assessment of the suitability of the private right of way to serve as a safe and attractive pedestrian or cycle route to serve a site to be developed for up to 115 dwellings, the access track falls far short of required standards.
- 4.10 Safety covers both perceived danger, and actual danger. The perceived danger is that with no street lighting and no direct surveillance of the track, it will be a very daunting route between the site and the A274 at all times of the day, but particularly during the hours of darkness. The perceived danger alone renders this route unsuitable to be regarded as a pedestrian or cycle route that meets any local or national requirements.
- 4.11 Even disregarding the perceived danger along the route from the site to the A274, the route is not attractive during or after wet weather. As a route to school, work, shopping, or many other trips, the vast majority of people would not want to walk through mud or puddles and disabled and reduced mobility users are likely to find the route unusable, with wheelchairs and prams unlikely to be wheeled through uneven grass or muddy puddles, which again reduces the usefulness of the route, as either a primary pedestrian or cycle access to and from the site, or as an alternative main pedestrian/cyclist route in the event of a flood on Moat Road. A severe flood on Moat Road would occur during a time of year and during weather conditions that are when the access right of way is also likely to be in its wettest state.

- 4.12 The actual danger arises from the potential of sharing the access between pedestrians, cyclists and vehicles. The photographs above show that the track is effectively single track throughout its length.
- 4.13 When two vehicles meet along the track, at its widest point, there is barely sufficient width for a car to pass another car. The Transport Assessment (paragraph 4.2.15) correctly states that the minimum width to allow two cars to pass is 4.1m. This passing would involve incursion into the growing hedgerows at certain times of the year, and would rely on a very high maintenance regime for the hedgerows, which in turn is hampered by bird nesting season from March to August, inclusive. With cyclists and pedestrians also using the narrow track, there is a clear conflict of user groups, that can lead to physical dangers of collisions, or accidents arising from trying to avoid collisions with other user groups, hindered by overgrown and wet verges and hedges.
- 4.14 Whilst I would accept that car drivers are most likely to be travelling at low speed due to the limitations of the lane, in terms of its width and poor surface, there is also the need to consider other vehicles using the track, such as motorcycles and commercial vehicles. Motorcycles are more likely to be travelling at higher speeds, causing annoyance and danger, and commercial vehicles require more than the available width to pass a car. Table 7.1 of Manual for Streets (CD 10.5) provides an illustration of widths needed for types of vehicles to pass each other, and for a commercial vehicle, such as a refuse vehicle or fire tender, to pass a car requires a width of 4.8m.

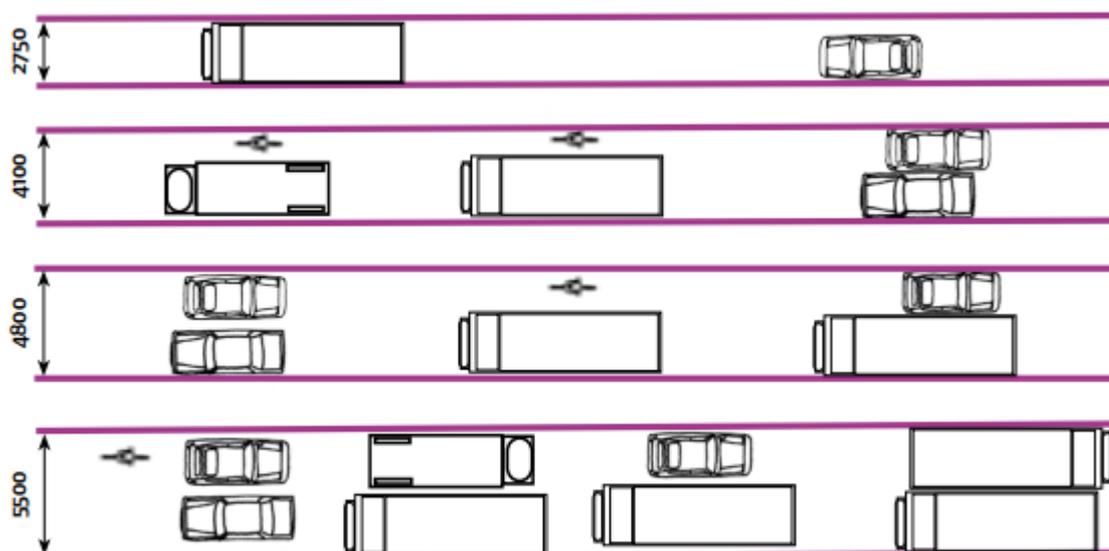


Figure 7.1 illustrates what various carriageway widths can accommodate. They are not necessarily recommendations.

- 4.15 With a maximum width of 4.3m and a minimum width of 2.1m, it is clear that an emergency vehicle, or other service vehicle, could not pass a moving or parked car along the track.
- 4.16 Furthermore, The Building Regulations relating to Fire Safety – Approved Document B (CD 10.12), set out the requirements for fire service access. Table 13.1 of that document provides access route specifications:

Table 13.1 Typical fire and rescue service vehicle access route specification						
Appliance type	Minimum width of road between kerbs (m)	Minimum width of gateways (m)	Minimum turning circle between kerbs (m)	Minimum turning circle between walls (m)	Minimum clearance height (m)	Minimum carrying capacity (tonnes)
Pump	3.7	3.1	16.8	19.2	3.7	12.5
High reach	3.7	3.1	26.0	29.0	4.0	17.0

NOTES:

1. Fire appliances are not standardised. The building control body may, in consultation with the local fire and rescue service, use other dimensions.
2. The roadbase can be designed to 12.5 tonne capacity. Structures such as bridges should have the full 17-tonne capacity. The weight of high reach appliances is distributed over a number of axles, so infrequent use of a route designed to accommodate 12.5 tonnes should not cause damage.

- 4.17 It can be seen from the table that a normal access width should be 3.7m wide to allow for speedy passage and some operating space for the fire service, although gateways can be narrowed to 3.1m.

- 4.18 Manual for Streets (paragraph 6.7.3) similarly confirms that a 3.7m width is required for the fire service to operate, although simply to reach a fire, a 2.75m width over a short distance can be acceptable.
- 4.19 From the above, it is clear to see that the right of way does not meet the width requirements for an emergency access, in the event that the main access to Moat Road is blocked by a flood, or any other event.

Active Travel Route Between the Moat Road Site Access and the A274

- 4.20 The proposed improvement for sustainable travel from the main site access on Moat Road, is a 1.5-2.0m wide footway linking the south east corner of the site to the existing footway some 170m further east. This route passes through a pinch point over a bridge, and a narrowing of the carriageway is proposed to accommodate the footway. The narrowing will be supported by a give way arrangement for traffic, to ensure that conflicting vehicle movements do not occur in the narrowed section.
- 4.21 To the east of the bridge along Moat Road, it is proposed to widen the carriageway to accommodate the footway and two-way traffic.
- 4.22 It is noted that the site access is within a derestricted (max 60mph) section of Moat Road, whilst the speed limit reduces to 30mph towards the eastern edge of the site. Notwithstanding the speed limit, the Transport Assessment (paragraph 3.3.3 Table 1) included results of speed surveys along Moat Road, with 85th percentile design speeds in the derestricted section of Moat Road of 43.1mph and 44.8mph for eastbound and westbound vehicles respectively, 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.
- 4.23 As part of the proposals, there is an offer within the Transport Assessment (paragraph 4.2.4) for the Appellant to make a '*reasonable financial contribution*' towards changing the speed limit along the site frontage, '*if it is considered there would be some highway safety benefits*'.
- 4.24 Dealing with this offer separately, in my view, any reduction in the speed limit along a residential frontage should be fully supported, since there would almost inevitably be dog walkers and other leisure walkers, and cyclists, who will head out of the main access and head west along Moat Road, into the rural area, and every speed

reducing effort should be made to manage highway safety when more people are being introduced into an area. It is clear to me that there would be significant highway safety benefits from reducing the speed limit from 60mph to 30mph along the site frontage, so the absence of certainty on that offer from the Appellant is unhelpful. It is not mentioned in the Appellant's Statement of Case when lodging the appeal. Notwithstanding this, exploring options for a speed limit reduction and, if approved, implementing the speed limit reduction would need to be fully funded by the appellant.

- 4.25 A further measure to seek to reduce vehicle speeds on the approach to Headcorn is confirmed in the Transport Assessment (paragraph 4.2.1) to be enhanced signing at the speed limit change. Again, this is a measure that should be fully supported to enhance driver awareness on the approach to an urban area.
- 4.26 However, in my view, there are matters that are not resolved at this outline planning application stage that may have a material impact upon the proposals. These include concerns about the proposed footway intruding into root protection areas of trees (paragraph 4.2.11), and confirmation that a no dig solution *may* be acceptable to the Highway Authority for small areas of footway. If there is subsequently an impact upon root protection zones and a no dig solution is not acceptable, then the ability to provide a footway is not resolved. Also, an unresolved matter is the ability to provide an acceptable street lighting scheme (Paragraph 4.2.10) in this area of constrained highway width.
- 4.27 For the purposes of my subsequent evidence, I have assumed that the footway and an acceptable street lighting scheme can be agreed with the Highway Authority, since without these measures being resolved at the detailed stage design stage, any planning permission should not be implemented from a pedestrian safety point of view. A Grampian style condition would be essential, should the appeal be allowed.
- 4.28 Whilst there is potential for the pedestrian activity between the site and the A274 to be addressed to a degree by the provision of a footway, albeit narrow in part, there are no proposals to deal with cycling between the site and the local facilities.
- 4.29 Cycling is a key active travel mode that both national and local policies seek to prioritise above less sustainable modes of travel; mainly the private motor car.
- 4.30 Cyclists are likely to emerge from the site via either the vehicle access or the dedicated pedestrian/cycle access on Moat Road. On this section of Moat Road, we

are informed that 85th percentile vehicle speeds along Moat Road are in the range 34mph – 45mph (see 4.22 above).

- 4.31 Guidance on designing for cyclists is provided in the Department for Transport publication Cycle Infrastructure Design - Local Transport Note (LTN) 1/20 (CD 15.3).
- 4.32 As a starting point, Figure 4.1 of LTN 1/20 (see below) sets out an appropriate level of protection for cyclists dependent upon the speed limit, or the speed limit plus 10mph, if the 85th percentile speed if this is greater than 10% above the speed limit. With the recorded 85th percentile speeds on Moat Road, Figure 4.1 would lead to design standards for 40mph – 50mph being appropriate to protect cyclists.
- 4.33 For speed considerations of 40mph and above, a fully kerbed cycle track is set out to be the only suitable measure to protect most people. Even light segregation is set out to be unsuitable for some potential cyclists.
- 4.34 Even with traffic speeds of 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 users or have safety concerns.
- 4.35 Whilst Note 3 of Fig 4.1 suggests that in rural areas, where speeds are up to 30mph, and traffic flows are less than 1,000 per day, mixed traffic lanes may be acceptable, the speeds along Moat Road are not less than 30mph, and developing the appeal site should not be regarded as developing in a rural area, which has connotations of the site not being integrated into the more sustainable urban area.

Figure 4.1: Appropriate protection from motor traffic on highways

Speed Limit ¹	Motor Traffic Flow (pcu/24 hour) ²	Protected Space for Cycling			Cycle Lane (mandatory/ advisory)	Mixed Traffic
		Fully Kerbed Cycle Track	Stepped Cycle Track	Light Segregation		
20 mph ³	0					
	2000	Green			Green	Green
	4000	Green			Green	Green
	6000+	Green			Green	Green
30 mph	0					
	2000	Green			Yellow	Green
	4000	Green			Yellow	Green
	6000+	Green			Yellow	Green
40 mph	Any	Green	Yellow	Yellow	Pink	Pink
50+ mph	Any	Green	Pink	Pink	Pink	Pink

Provision suitable for most people
 Provision not suitable for all people and will exclude some potential users and/or have safety concerns
 Provision suitable for few people and will exclude most potential users and/or have safety concerns

Notes:

1. If the 85th percentile speed is more than 10% above the speed limit the next highest speed limit should be applied
2. The recommended provision assumes that the peak hour motor traffic flow is no more than 10% of the 24 hour flow
3. In rural areas achieving speeds of 20mph may be difficult, and so shared routes with speeds of up to 30mph will be generally acceptable with motor vehicle flows of up to 1,000 pcu per day

4.36 To understand what is meant by suitable for most people, paragraph 3.5.4 of LTN 1/20 suggests that the assessor’s mindset can be based around the competence of a 12 year old child undertaking independent travel.

4.37 As currently proposed, the route from the site to the A274 would not be classed as safe for most potential cyclists when assessed against the design guidance in LTN 1/20.

Assessment of Active Travel Proposals Against Policies

4.38 The NPPF requires a vision led approach to identify well-designed and sustainable developments that pursue opportunities to promote walking, cycling and public transport use. It is my view that the approach has not been vision led.

4.39 It further requires development to be in a sustainable location through limiting the need to travel and offering a genuine choice of transport modes, with sustainable transport modes prioritised by providing safe, secure and attractive walking and cycling networks, that also encourage public transport use.

- 4.40 In assessing applications for development, the NPPF requires that safe and suitable access to the site is achieved for all users, including those with disabilities and reduced mobility.
- 4.41 Against the NPPF requirements, I would firmly conclude that the right of way at the north east corner of the site performs exceptionally poorly for pedestrians, cyclists and public transport users. It is highly unattractive in the hours of darkness, due to the absence of any lighting; in wet weather, due to the absence of a hard surface; and is additionally unsafe through lack of any overlooking or other surveillance. It performs even worse for disabled and reduced mobility users, with wheelchairs and prams unlikely to be wheeled through uneven grass or muddy puddles. The appellant does not propose any improvements to the existing track, which is outside of their ownership.
- 4.42 Overall, the right of way does not meaningfully contribute to promoting the development as being sustainable and does not provide a safe and suitable access for all users.
- 4.43 In relation to the route from the site access on Moat Road to the A274, whilst the provision of a footway gives pedestrians a facility to walk towards the centre of Headcorn, there is no proposal to encourage, or otherwise accommodate, cycling. Indeed, when assessed against the latest design guidance for safe and attractive cycle routes, the speed of vehicles along Moat Road would render the route unsafe for cyclists. It cannot therefore be said that walking and cycling is given first priority along Moat Road.
- 4.44 Active Travel England guidance supports the NPPF vision and sets out the ambition to change the way people think about undertaking short journeys, by shifting car journeys to walking and cycling, by providing routes that are safe, direct, convenient and accessible for people of all abilities. To meet these requirements, amongst others, the routes should be a minimum of 2m wide, have a smooth even surface, have good natural surveillance and have street lighting. Shared use between pedestrians and cyclists is not allowed, and where on-road provision is suggested for cyclists, there should be sufficient protection from motor vehicles in accordance with LTN 1/20.
- 4.45 Again, the right of way at the northern end of the site performs very poorly against the requirements of Active Travel England. It does not provide a safe, convenient or

accessible route for people of all abilities, for either walking, wheelchair users or cycling, through the absence of a smooth even surface, good natural surveillance, street lighting and no protection between conflicts for pedestrians, cyclists and motor vehicles.

- 4.46 In assessing the route from the Moat Road site access to the A274, there is nothing offered to encourage cycling that would cause a shift in anyone's thinking from car use to cycle use. There is no protection for cyclists from motor vehicles, in particular bearing in mind the speed of vehicles along Moat Road and the guidance to assess the route in terms of the cyclist having the ability of a 12 year old, potentially travelling to school.
- 4.47 Local Plan policies have the combined effect of seeking to achieve modal shift through prioritising, providing and enhancing walking and cycling facilities, and correspondingly influencing travel behaviour for all users to support climate change. To achieve this, new developments should maximise permeability and linkages to the surrounding area via safe and attractive routes.
- 4.48 In assessing the right of way at the northern end of the site, the unsurfaced, unlit route, with no natural surveillance, would not encourage a change in behaviour for most people in the development site, and would not therefore contribute to achieving climate change. The change in behaviour that is required to achieve modal shift and climate change, is not to maintain the current travel pattern of people, but to move them to more sustainable modes of travel, by providing the highest quality of routes. This right of way is very far from the highest quality of route and does not meet the policy requirements.
- 4.49 Again, the route from the Moat Road site access to the A274 does not provide any priority, any additional provision, or otherwise any enhancement for cyclists to encourage this mode of travel for typical cycling levels, never mind encouraging a shift towards increasing cycle usage, which policy requires. The absence of any segregation from the relatively high speed traffic, does not provide the attraction for people that is needed to achieve modal shift and contribute to climate change.

5 SUMMARY AND CONCLUSIONS

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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.

- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 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.

- 5.13 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.
- 5.14 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.
- 5.15 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.
- 5.16 For the reasons set out, I firmly believe that the appeal should be dismissed.