

Town and Country Planning Act 1990
Planning and Compulsory Purchase Act 2004
Appeal by Catesby Strategic Land Ltd

Land at Moat Road, Headcorn

Proof of Evidence on Transport and Accessibility
Prepared by Dave Neale FIHE
on behalf of the Appellant

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1.0 Qualifications And Experience

- 1.1 My name is Dave Neale. I am an Associate Director of DTA Transportation Ltd, Transportation Planning Consultants. The consultancy specialises in expert advice on transport related issues throughout a broad range of projects for both the public and private sector. In particular, my expertise lies in advising on transport & highway implications of development, identifying design solutions & transport planning strategies and negotiating agreements.
- 1.2 I am a Fellow of the Institute of Highway Engineers (FIHE).
- 1.3 I have 20 years' experience in the field of Highway Development Management and Transport Planning, including 1 year as Interim Team Leader and 3 years as Senior Development Management Engineer at Warwickshire County Council ("WCC") and over 10 years in private practice. In total I spent 15 years at WCC, 10 of which were in Development Management. I have prepared transport and traffic reviews, Transport Assessments and contributed to the process of Environmental Impact Assessment for a wide range of projects for both the public and private sector.
- 1.4 The practice is based in the West Midlands and is involved in numerous residential developments across the country, including a significant proportion in the local area and neighbouring authorities. I am therefore familiar with the accessibility and highway impact requirements of schemes such as those presented in the planning application.
- 1.5 I have been instructed by Catesby Strategic Land Ltd since early 2019 and have provided advice on access to the site and offsite impacts as well as early pre-app engagement with Kent County Council ("KCC"). I have prepared this appeal statement. I also prepared the original transport assessment submitted in support of the planning application. I have also visited the site on two occasions over this time.
- 1.6 The following has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true professional opinions.



2.0 The Application

2.1 This evidence has been prepared on behalf of the Appellant in support of its appeal against the refusal by Maidstone Borough Council (“MBC”) of an application for:

"Outline application (with all matters reserved except access) for the development of up to 115 no. dwellings (Use Class C3) with 40% affordable housing including demolition of existing buildings, new means of access into the site from Moat Road (not internal roads), short diversion to the public right of way (KH590), associated highway works, provision of public open space, provision of shelter to replace curtilage listed building, emergency/pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).

2.2 Accordingly, it is the principle of development and the detail of the principal point of access from Moat Road which is for determination. The detail of the secondary access is not for determination and MBC has not requested that the details be submitted/determined at this stage.

2.3 As the site is allocated, the principle of access has been accepted and is consistent with the adopted development plan. There is no issue with the detail of the point of access. It is difficult to see, therefore, how there is a highway objection from the Local *Planning* Authority but not the Local *Highway* Authority.

2.4 The plans showing the access from Moat Road and offsite footway works along Moat Road at the point of determination was Drawing 20472-03 revision D. That is the built development for which permission is sought. Unfortunately, it has been noted that revision D incorrectly draws the site access visibility splay. Permission is not being sought for the visibility splay. This minor issue has been corrected by revision E. This change is not material because the built development that is being sought has not been changed at all. The visibility splay has just been drawn in the correct location. There is no dispute that the required visibility splays can be achieved.

2.5 The only other minor change introduced in revision E is the inclusion of pedestrian visibility splays to the east of the scheme where pedestrians will be encouraged to cross to connect into the existing footway network on approach to the cottages. This was in direct response to a matter raised by the most recent road safety audit. Again, consent is not sought for the splays. They just show that they can be achieved.



2.6 The Plans for determination by the LPA comprised

- Site Location Plan - 01c Application Boundary Plan
- Framework Plan 01 – FWP-01-MP-01
- Proposed Highway and Footway Scheme 20472-03
- Site Access Vehicle Tracking – 20472-03-1 Rev D
- Visibility Splays – 20472-03-2 Rev E
- Visibility Splays (With Highway Boundary) – 20472-03-3 Rev E

2.7 On balance, as there is no change to the proposed development, I consider that the revision E drawing should be those determined at the Appeal and secured by condition. No party is prejudiced by the minor correct to the visibility splay. This is not a Wheatcroft amendment and consultation is not required.

2.8 Furthermore, KCC have been provided with the revision E drawings and have confirmed that they have no further comments to make. The LPA have also agreed to the inclusion of Revision E as set out in the Statement of Common Ground on General and Planning Matters.

2.9 For the avoidance of doubt, the following is agreed with KCC as Local Highway Authority and is not currently matters of dispute with MBC:

- The location of the principal access;
- The road geometry and the visibility splays;
- The works can be delivered in the public highway;
- Accordingly there is no reason for refusal in relation to the principle of access to the site and to the detail of the access for determination.

2.10 Therefore, the plans the plans for determination are (**Appendix DN1**) and (**CD 1.4-1.7**):

- 20472-03 Rev D – October 2023 (site access and footway works)
- 20472-03-01 Rev D – October 2023 (site access vehicle tracking)
- 20472-03-02 Rev D – October 2023 (visibility splays)
- 20472-03-03 Rev E – October 2023 (visibility splays with Highway Boundary)
- 20472-04 Rev A – November 2023 (Moat Road/ Kings Road pedestrian crossing works)



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- 2.11 The application was reviewed in detailed by Kent County Council as the local highway authority and on the 9th January 2024 they provided their formal consultation response as no objection subject to conditions and obligations (**CD3.27**). They have no criticism of the scope of works, the conclusions of the TA process and agree that the principle of access and detail of the main access is acceptable. There is no technical evidence to the contrary.
- 2.12 Whilst I do not give evidence as to the law, I am advised that the views of the relevant statutory consultee (here the Highways Authority) should be given considerable weight, and that there should only be departure from those views where there are clear and compelling reasons to do so¹. I consider that significant weight should attach to such a consensus of professional evidence.

¹ See, for example: *Shadwell Estates Ltd v Breckland DC and Pigeon (Thetford) Ltd* [2013] EWHC 12 (Admin) at paragraph 72; *Visao v Secretary of State* [2019] EWHC 276 (Admin) at paragraph 65; *Swainsthorpe Parish Council v Norfolk CC* [2021] EWHC 1014 (Admin) at paragraph 70).



3.0 LPAs Reason for Refusal

- 3.1 MBC as the Local Planning Authority (LPA) refused the application on 29th April 2024. Following the initial refusal, the reasons have been updated and the new Reason for refusal ("RfR") 4 states:

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.

- 3.2 The detail of the secondary access is not for determination. This issue appears, therefore, to relate (so far as this decision is concerned) to the principle of the development. However, the site is allocated, and the principle of development is acceptable to the LPA (consistent with the development plan).
- 3.3 Accordingly, the principal focus of this proof of evidence is safe and suitable access to and from Moat Road and the A274 Maidstone Road, in the context of the site being recently allocated, such that the principle of development is acceptable and supported in the Plan period.
- 3.4 My evidence concludes that access to and from Moat Road for pedestrians and cyclists aligns with local and national guidance and will deliver safe and suitable access for all modes. Furthermore, it concludes that the access to the north to Maidstone Road will deliver safe and appropriate access for pedestrians, cyclists and emergency vehicles at those times when access to Moat Road isn't possible due to major flood events. Further, there is nothing more the Appellant can do (and the LPA hasn't suggested anything). Accordingly, the LPA's issues appear to go to the principle of development which is not in dispute, given the allocation and the LPA's promotion of the site through the examination and adoption of their Plan.



- 3.5 Within the LPA's Statement of Case (**CD 5.2**), they argue that pedestrian and cycle access to the A274 is not safe nor is cycling from the site along Moat Road:

10.54 The Council's evidence will demonstrate that the pedestrian and cycle access proposed to Maidstone Road is not a safe or suitable route in the event of a flood situation, whereby the access to Moat Road is unavailable. 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.

10.55 The Council's 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, above car use, to local services and facilities. The speed of vehicles, the width of the carriageway and the absence of any cycle/vehicle segregation, in combination with the absence of street lighting, lead to an unsafe, and correspondingly unacceptable, situation.

10.56 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.

Summary

- 3.6 This evidence therefore addresses the position of the scheme in light of both the NPPF requirements and those of local policies.
- 3.7 Those policies have been considered in detail. The impact of the scheme has been considered through a thorough (and agreed) Transport Assessment process which identifies appropriate mitigation measures for safety and accessibility. The scheme is therefore compliant with relevant national and local policy.
- 3.8 There are no grounds to refuse the appeal scheme on the basis of highway safety, traffic impact or accessibility. The proposal complies with relevant national and local planning policy.



4.0 Planning Policy Context

4.1 National Planning Policy

National Planning Policy Framework (December 2024)

4.1.1 In December 2024, the National Planning Policy Framework (NPPF) was updated. The NPPF confirms that the Government encourages sustainable development. This is highlighted in Paragraph 10 which confirms that:

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)”

4.1.2 In specific relation to transport issues it is confirmed at para 109 and 110 that:

109 Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. This should involve:

- a) making transport considerations an important part of early engagement with local communities;*
- b) ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places;*
- c) understanding and addressing the potential impacts of development on transport networks;*
- d) realising opportunities from existing or proposed transport infrastructure, and changing transport technology and usage – for example in relation to the scale, location or density of development that can be accommodated;*
- e) identifying and pursuing opportunities to promote walking, cycling and public transport use; and*
- f) 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.*

110 The planning system should actively manage patterns of growth in support of these objectives. 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.”



4.1.3 The NPPF sets the following test in relation to development:

115. *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users;*
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and*
 - d) 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.*
116. *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."*

4.1.4 Paragraph 117 of the NPPF goes on to say that:

116. *Within this context, applications for development should:*
- 1. 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;*
 - 2. address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - 3. 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;*
 - 4. allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - 5. be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"*



4.2 Local Planning Policy

Policy LPRSP12 – Sustainable Transport

- b. Deliver modal shift through managing demand on the transport network through enhanced public transport and walking and cycling improvements;
- e. Improve transport choice across the borough and seek to influence travel behaviour;
- k. Promote inclusive access for all users on the transport network provides;

Policy LPRSP15 – Principles of good design. Points 1 & 11:

- 1. Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services; Improve transport choice across the borough and seek to influence travel behaviour;
- 11. Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;

Policy LPRSS1 - Maidstone Borough Spatial Strategy. Limbs 10 and 5 state:

- 10. Coxheath, Harrietsham, Headcorn, Lenham, Marden and Staplehurst rural service centres will be the secondary focus for housing development with the emphasis on maintaining and enhancing their role and the provision of services to meet the needs of the local community. Suitably scaled employment opportunities will also be permitted.
- 15. Infrastructure schemes that provide for the needs arising from development will be supported. New residential and commercial development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve it.

Policy LPRSA310 – Moat Road, Headcorn. Limbs 18 and 20 state:

- 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.

Draft Headcorn Neighbourhood Plan (Feb 2024 Reg 16).

Policy 3: Connectivity and Access

This policy covers all development in Headcorn Parish, including housing, gypsy and traveller pitches, commercial and community development. New development in Headcorn Parish, in accordance with the Neighbourhood Plan, will be permitted where it:

- 1. creates safe and well connected developments, promoting and enhancing links both to Headcorn High Street and to the countryside that can be easily accessed by foot and cycle;*
- 2. where needed takes advantage of opportunities to enhance road safety, for example by enhancing existing junctions that will be key for access to the development (including any junctions with the primary or main link roads within the Parish) in a way that is appropriate for Headcorn's rural setting;*
- 3. has direct access from the site to an existing highway or driveway, without the need to cross additional field boundaries;*
- 4. makes best use of pre-existing site access (for example to facilitate the retention of hedgerows) unless reasons such as road safety require alternative access routes onto the existing road network to be provided;*
- 5. creates a self-contained development, to avoid creating large estates by default;*
- 6. is accessed in a way that avoids creating harmful rat runs;*
- 7. is accessed in a way that avoids creating the appearance of ribbon development along the existing road network (for example with direct vehicular access to all the houses in the development to an existing road);*
- 8. avoids choosing access routes that will exacerbate existing key pinch points for traffic flows within the village;*
- 9. will not cause or exacerbate traffic problems, for example by blocking lines of sight at junctions; contributing to on-street parking; creating vehicular access that will be difficult to use, for example, because of poor lines of sight; or creating safety concerns for other road users (including pedestrians and cyclists); and*
- 10. will be supported by an effective traffic management plan during the construction period, including a pre-conditions survey for any major development, which will respect the needs of existing residents and will avoid exacerbating key pinch points for traffic flows within the village, or the primary and main link roads within the Parish.*

Land at Moat Road, Headcorn

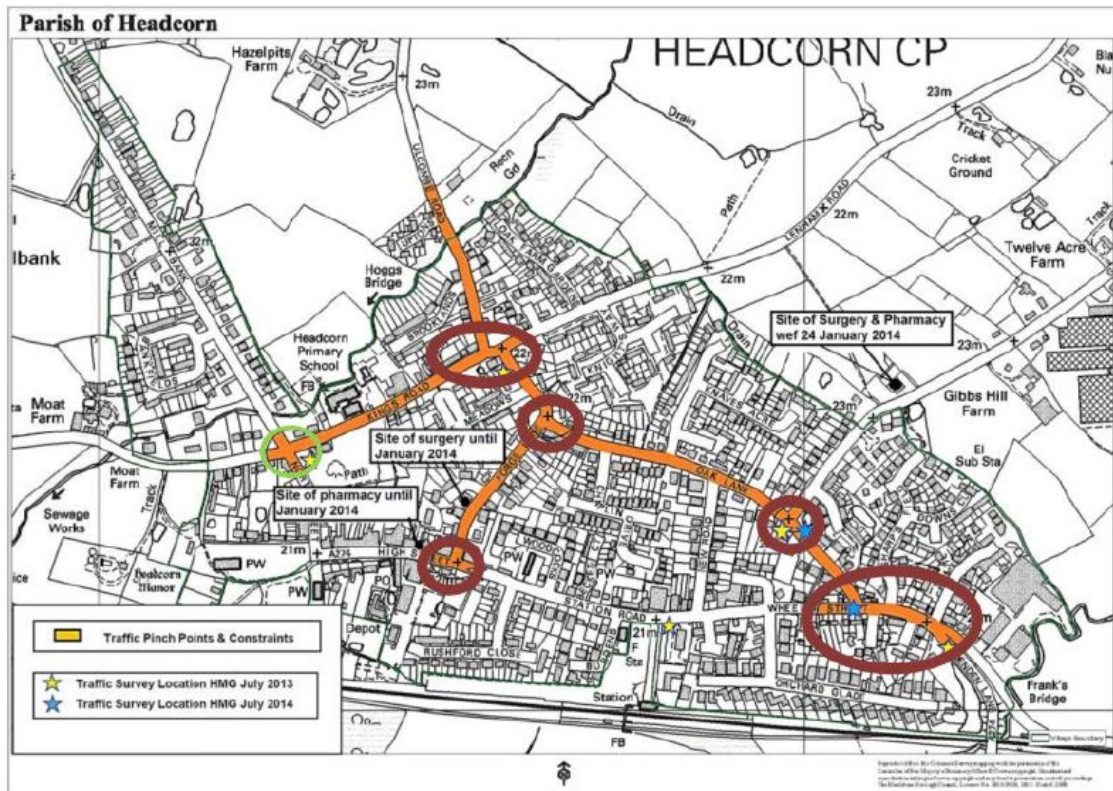
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4.2.1 Policy Map 17 presents those pinch points referenced in limb 8 of the above policy.

Figure 1 - Headcorn Neighbourhood Plan Extract (Traffic Pinch Points)

HNP Policy Map 17: Traffic pinch points within Headcorn Village





5.0 Principal Access from Moat Road

- 5.1 As set out in section 2 of my proof, permission is being sought for the detail of the principal point of access to and from Moat Road.
- 5.2 The application was reviewed in detailed by Kent County Council as the Local Highway Authority and on the 9th January 2024 they provided their formal consultation response as *no objection* subject to conditions and obligations (**CD 3.27**). They have no criticism of the scope of works, the conclusions of the TA process and agree that the access is acceptable.
- 5.3 Furthermore, the location of the principal access is agreed, the road geometry and the visibility splays are agreed, and it is agreed they can be delivered in public highway, accordingly there is no reason for refusal in relation to the detail of the access.



6.0 Secondary Access to A274 Maidstone Road.

6.1 Introduction

6.1.1 The first part of RfR 4 states:

"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"

6.1.2 The following section of my proof responds specifically to that element of the RfR.

6.2 Context

6.2.1 The secondary access route from the north of the site to the A274 provides local connections to the highway footway network, as well as the main A road carriageway and nearby bus stops. It measures just 100m from the site boundary to the nearside of the A274 footway. This would, therefore, take on average 70 seconds to walk or 25 seconds to cycle.

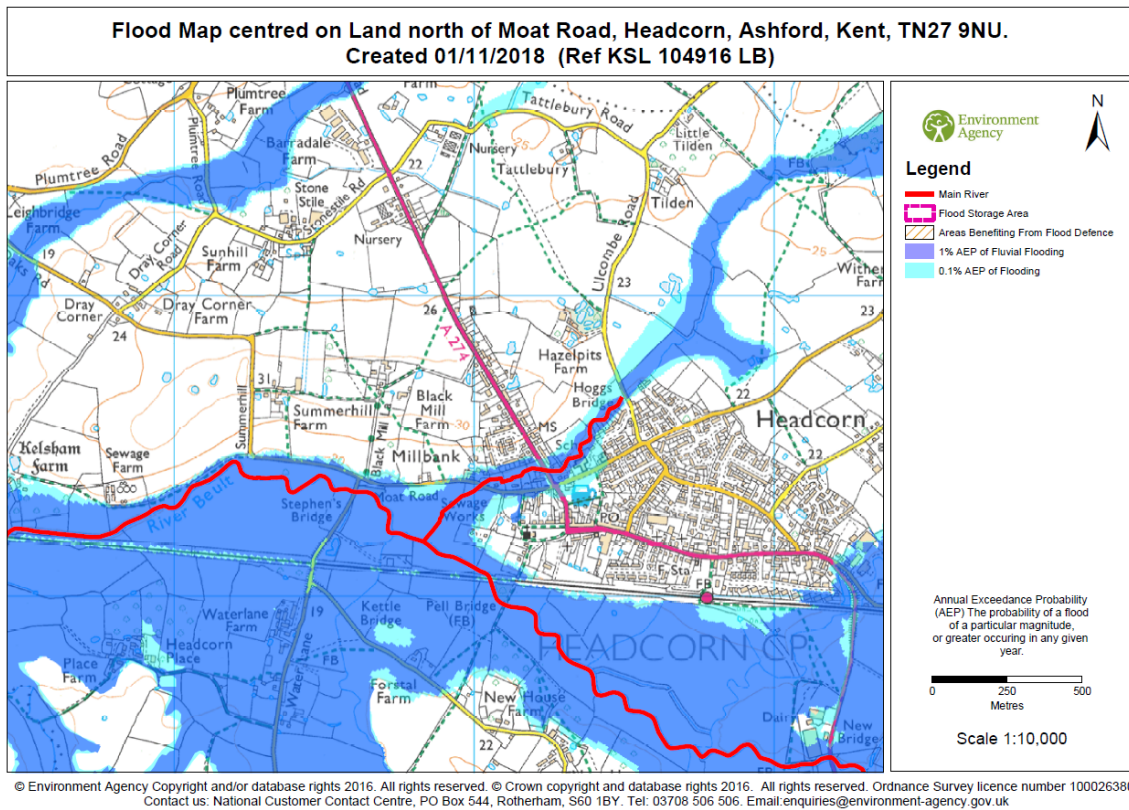
(Assumes a walking speed of 1.4m/s (3.2mph or 5.0kph) taken from the Guidance for Providing for Journeys on Foot (IHT, 2000). and cycling speed of 4m/s (9mph or 14.4kph), taken from Local Transport Note 1/86).

6.2.2 The route is only required to be used by vehicles associated to the development *in extreme flood events* should the main site access be closed. It is an emergency secondary access. There is not a general requirement for a secondary access as a single point of access is acceptable for the proposed quantum of development. In this instance, an extreme flood event is classed as a 1% Annual Exceedance Probability ("AEP") event, generally referred to as a 1 in 100 year event plus an appropriate allowance for climate change. The secondary access will only be needed for cars or emergency vehicles on rare occasions (if at all).

6.2.3 The extent of the flood zone is indicated on the image below.



Figure 2 – Flood Map



- 6.2.4 The northern link is, however, a useful route for enhancing pedestrian and cycle connectivity at all times.
- 6.2.5 This option would provide safe dry pedestrian, cyclist and vehicular access into Flood Zone 1 and provide a viable access/egress from the site in event of an emergency, in the event that the Moat Road access is inaccessible due to floodwater. It is understood at times of an extreme flood event (the 1:100 + Climate Change allowance event), the depth of the water on Moat Road near to the southeastern boundary of the site in the location of the existing bridge structure could be up to 900mm (less than 1m). However, at the point of the access and to the west of the site, the flood water would be significantly shallower meaning vehicles would be able to turn right out and left into the site. Vehicles will, therefore, be able to access/egress the site even during the extreme flood event.
- 6.2.6 Therefore, should emergency services vehicles and future residents require access to and from the west, the secondary access to the north would not be required.



6.2.7 Should the secondary/emergency access be required, the submitted TA states 70-80 vehicle movements in the peak hour i.e. a little over 1 a minute.

Table 7 - Multimodal Vehicle Trip Rates and Traffic Generation

Time Range	Multimodal Vehicle Trip Rates			Multimodal traffic generation		
	Arrivals	Departures	Totals	Arrivals	Departures	Totals
08:00-09:00	0.140	0.513	0.653	17	62	78
17:00-18:00	0.416	0.170	0.586	50	20	70
07:00-19:00	2.640	2.708	5.349	317	325	642

6.2.8 This would result in 1 potential conflict between an inbound and outbound vehicle once every 3 minutes. There is 39m (26m + 13m) of the track where it is unlikely two vehicles would be able to pass. However, it would be possible over the entire length of the lane for a pedestrian and cyclist to comfortably pass a vehicle (4.6m).

6.2.9 Pedestrians and cyclists would likely take priority over motor vehicles and vehicle speeds will be low due to the nature of the route. Furthermore, as can be seen on the submitted drawing 20472-05 (**Appendix DN2**) and is acknowledged by KCC in their consultation response, due to the straight alignment of the track there would be good forward visibility and intervisibility between pedestrians, cyclists and opposing vehicles. There is no reasonable accident/collision risk.

6.2.10 It should be remembered that the potential for conflict on the emergency access between vehicles and non-motorised users would occur at times of heavy rain, when there is an extreme flood event, and when a pedestrian or cyclist is using the lane at the same time as a vehicle entering and exiting the site. The lane would operate as shared use at these times for a distance of just c100m, with room to pass and good forward visibility.

6.2.11 There is also the potential to introduce appropriate signage at either end of the route to highlight the potential presence of pedestrians and cyclists to approaching motorists.

6.2.12 At all other times the use of the lane is limited resulting in the potential for very few conflicts between pedestrians, cyclists and motor vehicles.

6.2.13 There is no material risk. There is safe access, should the secondary access be used. This has been accepted by LCC as the LHA.

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6.2.14 KCC Consultation response stated:

" Lastly, it is also noted that the applicant has provided further detail on the suitability of the proposed emergency access route. Whilst there is a section that is restricted to the one-way flow of traffic this is set far enough back to allow two vehicles to pass, without leading to waiting on the public highway. The straight alignment of the track also assists in allowing good intervisibility between opposing vehicles."

6.2.15 This would be relevant for visibility to and from pedestrians and cyclists using the lane.

6.2.16 The route to the north would only offer a more direct route to bus stops for those residents to the north of the site. The vast majority of facilities and amenities including the primary school, railway station and shops would all be accessed via Moat Road. As can be seen in the images below.

Figure 3 - Walking Distance from Moat Road Pedestrian Access to village amenities

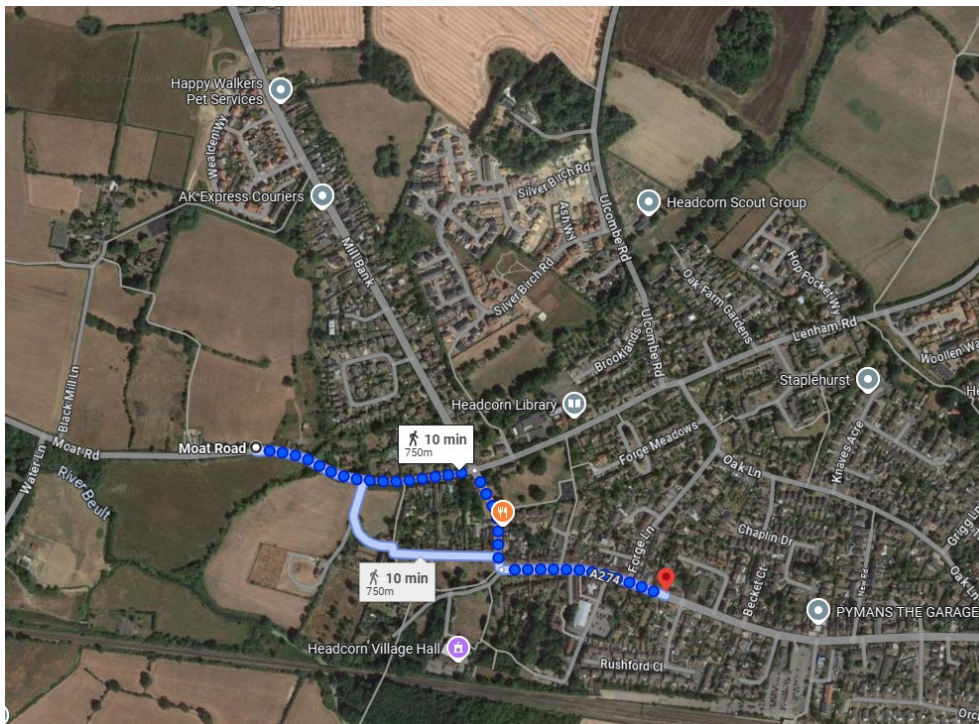
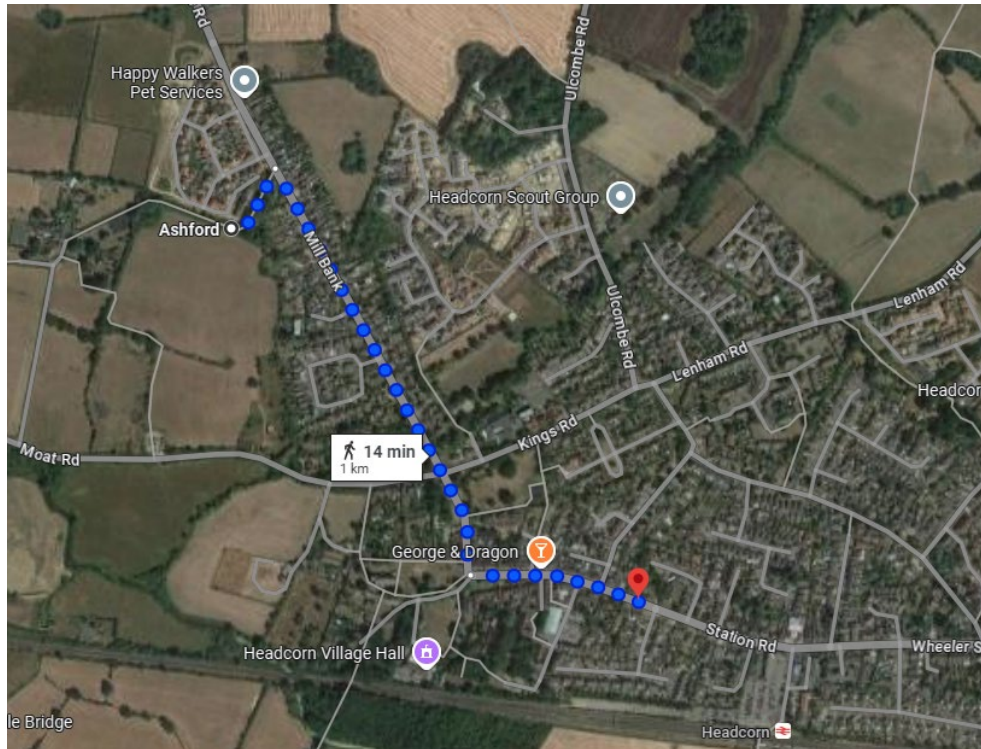




Figure 4 - Walking Distance from Northern link to village amenities



6.2.17 The likely use of the lane during extreme flood events is likely to be for leisure activities, potentially residents accessing bus services for work and education based journeys. Table 5 of the submitted transport assessment presented the total person trip rates and forecast trip generation of the development.

Table 5 - Multimodal Person Trip Rates and Generation

Time Range	Person Trip Rates			Total Person Trip Generation		
	Arrivals	Departures	Totals	Arrivals	Departures	Totals
08:00-09:00	0.209	0.766	0.975	25	92	117
17:00-18:00	0.621	0.254	0.875	75	30	105
07:00-19:00	3.941	4.042	7.983	473	485	958

6.2.18 The mode share for people in the area from the 2011 Census, also presented in the TA, suggests 2% of residents travelled to work on the bus. Whilst the appellant through the travel plan process will encourage increased use of bus services this would only equate to c3 residents using the northern link to access bus services at the time of a flood event in addition to school travel.



6.2.19 Cycling offered a lower modal share of 1% for journey to work purposes, meaning 1-2 cycle journeys could be expected. Therefore, the forecast use of the lane for residents during times of extreme flood events where Moat Road is inaccessible by walking and cycling is low. Notwithstanding this, section 4.3 below considers the appropriateness and quality of the route.

6.3 Quality of the Lane

6.3.1 The LPA state that:

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.

6.3.2 Of course, this is a description of the current condition of the access. Any necessary improvements to the condition of the access have not been applied for and can be addressed through the RMA process and/or secured by condition. The current condition of the access cannot be a RFR. Further, it cannot be argued that the secondary access cannot be acceptable, because that goes to the *principle* of the development, which is acceptable. If the LPA wanted a secondary access, in allocating the site, they must have been satisfied that (in principle) a suitable access could be delivered.

Lighting

6.3.3 In terms of lighting, the route itself is not lit. However, Maidstone Road has street lighting and the site itself has the ability to provide lighting. Therefore, any user of the lane would be able to see either end of the lane and any users in between would likely be seen against the backdrop lighting.

6.3.4 Therefore, if deemed necessary, the future RMA can require lighting at the northern boundary of the site and a condition be imposed to deliver enhanced lighting where the route meets the A274 within the public highway.

Surface

6.3.5 The surface of the lane is compacted stone material, which can be seen on the photo below. Due to the infrequent use of the track, this has been covered by vegetation and other loose material.



Figure 5 – Lane/ Track Surface



- 6.3.6 The surface is considered appropriate for the forecast use of the lane. During times of flooding, it is anticipated pedestrians using the lane would be dressed according to the weather and the time and wearing associated footwear (wellies, boots). It is also reasonable to expect cyclists to be able to cycle along a lane surfaced with a compacted material.
- 6.3.7 If demonstrated to be necessary, the appellant would accept an appropriately worded condition to repair and enhance the quality of the surface along the lane.
- 6.3.8 As shown on drawing 20472-06 (**Appendix DN3**) there are two alternative routes for pedestrians from the site, should they choose to not walk along the emergency access route.
- 6.3.9 One would be via an existing field gate at the north western corner of the site which links to public right of way 0118/KH591/4 which in turn connects to a bound surfaced route through the recently completed residential development and in turn on to Maidstone Road.
- 6.3.10 The second would be via the emergency access onto the lane to the north of the site and



then western along an existing track that runs parallel to the site's northern boundary before connecting onto the public right of way 0118/KH591/4. This section of the track would only likely be used by traffic associated to Black Mill Farm and nearby dwellings should Black Mill Lane and Moat Road be inaccessible.

6.3.11 It should be noted that the existing right of way runs along a section of the track which is similar in regards to width, surface and environment to the section along the northern edge of the site. Therefore, should someone feel uncomfortable to walk along the emergency access due to the use by vehicles, they could turn left along the track and then north along the right of way through the adjacent residential development.

Width

6.3.12 A Transport Technical Note was submitted in support of the planning application (20472-10a dated 13th December 2024) (**CD 1.35**) and as referenced in KCC's formal consultation response, included information relating to the width of the route.

6.3.13 This included drawing 20472-05 that provided vehicle tracking and annotations of the width based on the topographical survey of the route. This showed that the narrowest section of the route was c4.6m, however, was 5m or greater for the majority of the route between the site and Maidstone Road.

6.3.14 As presented in section 4.2 of this proof, the likelihood of 2 vehicles passing and a cyclist and pedestrian is low. Therefore, the width would adequately provide for pedestrians and cyclists passing a vehicle.

6.3.15 Forward and intervisibility for all users of the lane is available over its entire length between the site and the A274 Maidstone Road.

6.3.16 Therefore, in my opinion due to the likely low use and speeds of the lane by vehicles any conflict between pedestrians and cycles is low and the associated risk of an accident occurring is also low and acceptable.



6.3.17 The lane would operate as a shared space. In regard to shared spaces, paragraphs 2.9.3 and 2.9.4 in Manual for Streets 2 state (**CD 10.6**):

2.9.3 A characteristic of many Shared Space schemes is the minimal use of traffic signs, road markings and other traffic management features. With less or no traffic management, or clear indication of priority, motorists are encouraged to recognise the space as being different from a typical road and to react by driving more slowly and responding directly to the behaviour of other users (including other motorists) rather than predominantly to the traffic management features.

2.9.4 Some Shared Space schemes also feature a level surface. In these cases, kerbs are omitted and there is no level difference between pedestrians and vehicular traffic. The aim of reducing the definition of areas for pedestrians and vehicles is to indicate that the street is meant to be shared equally by all users of the highway.

6.3.18 The Department for Transport Circular 02/2006 – The Quiet Lanes and Home Zone 2006 states at para 7 that (**CD 15.4**):

It is recommended that designated Quiet Lanes should have no more than about 1000 motor vehicles per day. Vehicle speeds should be kept to levels appropriate to the mix of uses and activities expected to take place, usually with the 85th percentile speed below 35 mph. Traffic calming and traffic management measures may be required to achieve these conditions; these should be designed to be in keeping with the local environment but must still be effective. Pedestrians, cyclists and equestrians should feel able to use Quiet Lanes safely from the time of designation

6.3.19 Whilst I am not advocating the lane be designated as such, it demonstrates that lanes that could cater for significantly greater level of traffic and speeds can be considered appropriate to operate as shared surfaces for all road users. This proposal is consistent with such longstanding guidance on the use of shared accesses/roadways.

6.3.20 Finally, the issue relating to the use of the secondary access goes to the principle of development. The LPA appear to argue that without a secondary access, the development of the site would not be acceptable or deliverable. Yet, the illustrative secondary access is not acceptable either. Such a position is in direct conflict to the LPA's allocation of the site, which is an issue addressed by Mr Collins in his evidence.



6.1 **Summary and Conclusions on the secondary access**

- 6.1.1 The secondary access to the north, connecting the site with Maidstone Road is appropriate for the forecast use by pedestrians, cyclists and vehicles and would provide safe and suitable access.
- 6.1.2 It is my conclusion that the appeal proposals accords with relevant policy requirements. In particular, it is consistent with the requirements of the NPPF and limb 20 of policy LPRSA310. The Local Highway Authority agree.



7.0 Access for cyclists via Moat Road.

7.1 Introduction

7.1.1 The second part of RfR 4 states:

"There has not been demonstration of safe cyclist access to the A274 via the alterations to Moat Road".

7.1.2 The following section of my proof responds specifically to that element of the RfR.

7.1.3 Again, the site is allocated. The principle of development is acceptable. This point relates to the principle of off-site highway works, which are not for determination, and which could be addressed through the RMA or condition (if necessary). The LPA cannot argue that there is no acceptable solution because that would be irreconcilably inconsistent with the allocation of the site. There is no basis for a RFR.

7.2 Context

7.2.1 The proposed access and footway scheme along Moat Road was initially submitted as part of the Regulation 18b consultation (dated 2020) as an appendix to Savills representations on behalf of the Appellant (**Appendix DN4**). This was an extract of drawing 20472-03 Rev A, dated Oct 2019. This scheme was based on an existing comparable give way and carriageway narrowing scheme within the village on Ulcombe Road.

7.2.2 The subsequent matter 7 examination statement submitted by Savills to the Local Plan Hearings (March 2023) included a 2022 Transport Assessment which appended drawing 20472-03 Rev C, dated Oct 2022 (**Appendix DN5**).

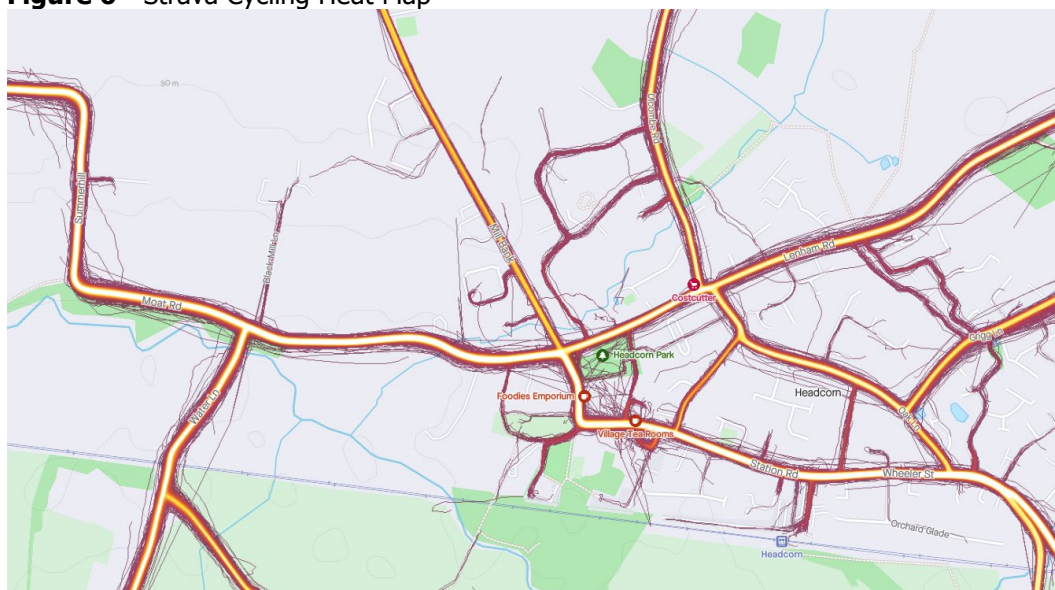
7.2.3 The principal difference between Rev A and C was a change to the point at which the footway entered the site, with it no longer being at the vehicular access to the site but further east. The principal difference between Rev C and D was minor amendment to the alignment of the footway to reduce the potential impacts on existing trees and vegetation.

7.2.4 The final minor amendments to Rev E were to correct the site access visibility splay annotation and introduce a pedestrian visibility splay to the east of the footway scheme at the informal crossing location near to the existing cottages on Moat Road. The final Rev E drawings are attached in **Appendix DN1**.



- 7.2.5 The scheme has also been subject to an independent stage 1 road safety audit (**CD 2.12**) which found no problems with the scheme that have not been addressed and did not raise any fundamental safety concerns for any road user. That along with a response report is attached in **Appendix DN6**.
- 7.2.6 Therefore, the scheme as presented in support of the local plan is substantially the same as that submitted in support of the planning application and therefore, was considered appropriate by all parties including the local plan Inspectors.
- 7.2.7 There are no recorded collisions on Moat Road involving cyclists and as shown in Figure 3 below, Strava heat maps show a greater use of Moat Road for cycling than the A274 north of the Moat Road junction, with on average 10 cyclists per day (in May) travelled past the site along Moat Road.

Figure 6 - Strava Cycling Heat Map



7.3 The Scheme

Scheme Design

- 7.3.1 Whilst the scheme does not provide any off-carriageway cycle provision due to local constraints, none are necessary and have not been requested by the LHA. Further, the proposal will alter the environment and encourage lower vehicle speeds through (i) the narrowing of the carriageway over the bridge and (ii) the direct benefit of the introduction of the footway.



- 7.3.2 Cyclists would be guided towards adopting the primary position in the centre of the carriageway through the narrowing, which para 7.2.2 of LTN1/20 acknowledges makes cyclists more visible to motorists (**CD 15.3**).
- 7.3.3 The detailed arrangement of where the footway enters the site will progress through the S278 technical approval process and during that period, transitional arrangements for cyclists entering and leaving Moat Road will be agreed with KCC.
- 7.3.4 Cyclists travelling towards the centre of Headcorn would be within a 30mph speed limit and only 280m from the A274. It is important to note that the A274 does not currently provide any dedicated cycle provision, therefore, should any scheme for Moat Road have been deliverable it would have terminated at the Kings Road/ Moat Road/ A274 junction.
- 7.3.5 Therefore, cyclists to and from the site would need to be confident cycling on carriageway upon reaching this intersection (a position which is commonplace). The school, train station and other facilities are within reasonable walking distance. PLAN
- 7.3.6 It is typical that until children have undertaken their bikeability training they would cycle on the footway, for which the scheme would provide sufficient width for them to do this. The improvements to the signal junction at the Kings Road/ Moat Road/ A274 junction to include pedestrian crossing facilities would further enhance this route.

Guidance and Policy

- 7.3.7 NPPF has not change materially since the allocation of the site (so far as this point is concerned). Para 110 of the NPPF acknowledges 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.[emphasis added]

- 7.3.8 As set out above and in the submitted transport assessment the development site is within recommended walking distances of local facilities and amenities, as well as bus and rail services. This is presented below.



Figure 7 - Walking Isochrones



7.3.9 Paras 3.6.8 and 3.6.9 of Manual for Streets [CD 10.5] acknowledge that whilst it shouldn't be rigidly applied, the needs of pedestrians should be considered first.

7.3.10 The Maidstone Local Cycling & Walking Infrastructure Plan [CD 8.36] was considered at the Planning and Healthier Stronger Communities Policy Advisory Committee on 5th December 2024 and the Cabinet on the 18th December 2024. The LCWiP doesn't highlight any specific measures for improvements to cycling in Headcorn. It does however highlight walking route 7 which uses the PRow though the Site and onto Moat Road. The audit notes of the route stated:

This circular route uses the parks and residential streets of Headcorn. The route quality is generally good, due to the low-speed streets it uses. Some slower-speed intervention treatment at junctions could be used, and would help people cycling navigate the numerous right-angle turns.

7.3.11 It is clear that the proposed scheme would not only deliver significant benefits along the route for pedestrians it would also introduce interventions that would encourage lower vehicle speeds along Moat Road. What is proposed is acceptable and agreed with the LHA.

7.3.12 LTN1/20 acknowledges that there are constraints to delivering purpose-built infrastructure and states in 3.1.3 and 4.4.4 that:



3.1.3 Planning for cycling should be based around providing a network of on- and/or off-carriageway routes that are suitable for all abilities. Subject to topographical constraints, the aim is to create a densely spaced network (typically with 250m to 1km spacing between routes depending on the density of land use) so that all people can easily travel by cycle for trips within and between neighbourhoods.

4.4.4 Reducing the volume and speed of motor traffic can create acceptable conditions for on-carriageway cycling in mixed traffic and should always be considered as it delivers other safety and environmental benefits to streets. This is often the only feasible approach on narrow roads lined by buildings. [emphasis added]

7.3.13 It is not clear what more (if anything) (i) the LPA would wish the Appellant to do and/or the Appellant can do. Cycling on this route is acceptable.

7.4 **Summary and Conclusions on the use of Moat Road for cyclists.**

7.4.1 It is clear from the above that the Appeal Site is well connected to local and wider services with bus, train and pedestrian links within the settlement.

7.4.2 Whilst the Moat Road footway scheme does not make direct provision for cyclists due to land and environmental constraints, it will assist by reducing vehicle speeds through the introduction of the give way at the bridge and by the change in environment for drivers.

7.4.3 The footway connection into the site from Moat Road will be designed to enable cycle access into the site before and after transitioning cyclists to the Moat Road carriageway for onward journeys.

7.4.4 Moat Road is currently used by cyclists and there have been no recorded collisions involving cyclists on Moat Road.

7.4.5 The proposals are therefore acceptable.

7.4.6 Further or alternatively, this is an allocated site. The principle of development is acceptable and specifically supported by the LPA in the Plan period. There is nothing further the Appellant can do (and nothing is suggested by the LPA). The LPA appear, therefore, to be challenging the principle of development and their own allocation of the site, which is neither rational nor reasonable which is a matter addressed by Mr Collins.



7.4.7 Therefore, as set out above and in line with the conclusions of the submitted transport assessment, the proposals comply with strategic policies of the local plan, the site specific policies set out in LPRSA310 relating to vehicular access, pedestrian and cycle connectivity and emergency access and the NPPF.



8.0 Response to Third Party Representations

8.1 Various interested parties, local residents and the Parish Council have made representations to the inquiry. Whilst most reiterate matters raised during the consultation period for the planning application, this section of my proof responds to those matters not explicitly covered in response to the reasons for refusal.

Moat Road cannot cope with the additional traffic.

8.2 The transport assessment (**CD 1.33**) and further technical work (**CD 1.35**) submitted in support of the planning application demonstrated that the impacts of the forecast traffic generated by the proposals could be safely accommodated at the site access and offsite junctions including the Kings Road/ Moat Road/ A274 junction.

Parking on High Street is inadequate

8.3 The site is within reasonable walking and cycling distances of local facilities within the village. Therefore, it is well located to have minimal impact on existing parking constraints.

Moat Road is a pinch point for traffic with regular gridlocks.

8.4 It is accepted that the car parking to the front of the properties along the northern side of Moat Road on approach to the A274 signals do reduce the available carriageway width requiring vehicles to give way. However, as observed on site and during the period of the traffic survey, this is managed well by motorists heading east leaving gaps enabling vehicles to clear the junction when heading west. A video snap shot during the morning commuting period has been uploaded showing this - <https://we.tl/t-oecmTicSA9>

8.5 The parked vehicles also assist with reducing vehicle speeds through this section and again there is no adverse collision history along this section in the last 5 years.

The site access has limited visibility

8.6 The site access will provide the necessary visibility based on the recorded speed of traffic as agreed with KCC as Local Highway Authority, using the calculations set out in Manual for Streets 2.



8.7 As set out in the submitted transport assessment (**CD 1.33**) the recorded 85th percentile approach speeds near to the proposed site access were 43.1mph in an eastbound direct and 44.8mph in a westbound direction.

8.8 Due to the location of the site and Moat Road not being trunk road or near motorway standards, the required visibility splays are set out to accord with the requirements of para 10.1.5 of Manual for Streets 2, where:

$$SSD = vt + v^2/2(d+0.1a)$$

where: v = speed (m/s)

t = driver perception-reaction time (seconds)

d = deceleration (m/s²)

a = longitudinal gradient (%) (+ for upgrades and – for downgrades)

8.9 The weather during the surveys was variable, however, there were no reported instances of standing water. To ensure a robust assessment, no reductions to approach speed have been applied.

8.10 Due to the speed of traffic being higher than 60kph (37mph) the driver perception/reaction time (t) has a value of 2s, see table 10.1 of MfS2.

8.11 The road near to the site access is relatively flat therefore, (a) has a zero value.

8.12 To calculate the desirable stopping sight distance ("SSD"), the deceleration rate for traffic is 0.25g which would result in (d) having a value of 2.45m/s². To calculate the absolute minimum stopping sight distances, the deceleration rate for traffic is 0.375g which results in (d) having a value of 3.68m/s².

8.13 The difference between the two is the comfort of passengers rather than the ability of vehicles to stop.

Eastbound SSD (Westerly Visibility Splay).

8.14 The recorded 85th percentile speed was 43.1mph or 69.3kph, which results in a design speed of 19.3m/s.



8.15 Therefore, using the deceleration rates set out above in 8.13, this results in a desirable SSD of 114m and an absolute minimum SSD of 88.9m.

8.16 As shown on drawing 20472-03-3 Rev E (**Appendix DN1**) the greater distance can be achieved providing a visibility splay with an 'x' distance of 2.4m and a 'y' distance of 114m to the west of the site access.

Westbound SSD (Easterly Visibility Splay).

8.17 The recorded 85th percentile speed was 44.8mph or 72.1kph, which results in a design speed of 20m/s.

8.18 Therefore, using the deceleration rates set out above in 8.13, this results in a desirable SSD of 121.7m and an absolute minimum SSD of 94.5m.

8.19 As shown on drawing 20472-03-3 Rev E (**Appendix DN1**) the greater distance can be achieved providing a visibility splay with an 'x' distance of 2.4m and a 'y' distance of 121.7m to the east of the site access.



9.0 Summary and Conclusions

9.1 This evidence has considered the extent to which the proposed development on land north of Moat Road, Headcorn, complies with the relevant Transport Policy elements of the NPPF and local Plan Policies.


9.2 The NPPF tests are clear that in assessing development sites it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) 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.

9.3 It is clear from my evidence that the development proposals fully meet all these tests. In terms of Para 116 there is no severe impact on the road network, as is confirmed by the agreed transport modelling. There are, demonstrably, no unacceptable impacts on highway safety.

9.4 Local policies have also been considered. The impact of the scheme has been tested through a thorough (and agreed) Transport Assessment process which identifies appropriate measures for the site access, highway safety and accessibility. The scheme is therefore compliant with those policies.

9.5 On this basis, it is clear that there are no highway, accessibility or transportation reasons why planning consent should be withheld. That is also the position of the Local Highway Authority.



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